

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 720

Department or Agency: ALABAMA PLUMBERS AND GAS FITTERS EXAMINING BOARD

Rule No.: Chapter 720-X-21

Rule Title: CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED CONTRACTORS

Intended Action New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? Yes

To what degree?: Licensees will incur the cost of attending Continuing Education classes along with the time that it takes to complete the training. It is assumed that they may pass these costs along to the consumer through increased fees for services rendered.

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer James M. Morgan MAY 28, 2024
James M. Morgan

Date Tuesday, May 28, 2024

REC'D & FILED

LEGISLATIVE SVC AGENCY

ALABAMA PLUMBERS AND GAS FITTERS EXAMINING BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Plumbers and Gas Fitters Examining Board

RULE NO. & TITLE: Chapter 720-X-21 CONTINUING EDUCATION REQUIREMENTS
FOR CERTIFIED CONTRACTORS

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The proposed new chapter will require licensees to obtain 4 hours of continuing education training as a prerequisite to being eligible to renew their licenses annually.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Views may be presented in writing by sending correspondence to the Plumbers & Gas Fitters Examining Board Office located at 216 Aquarius Drive, Suite 319, Homewood, Alabama 35209, by email at input@pgfb.alabama.gov, or in person at the public hearing, held at the Board Office on August 29, 2024

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, August 29, 2024

CONTACT PERSON AT AGENCY:

James M. Morgan

James M. Morgan

James M. Morgan

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**ALABAMA PLUMBERS AND GAS FITTERS EXAMINING BOARD
ADMINISTRATIVE CODE**

**CHAPTER 720-X-21
CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED CONTRACTORS**

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720-X-21-.01 Definitions.

1. Board Approved Continuing Education Provider: An individual; partnership; association; organization; educational institution; or governmental agency, offering continuing education for plumbing and gas fitting contractors that meets Board criteria for approval and that has been assigned and issued a Provider ID by the Board.
2. Board Approved Continuing Education Instructor: May be a certified Master Plumber, certified Master Gas Fitter, industry expert professional, or otherwise qualified individual. When the instructor is not a certified contractor, there shall be evidence of knowledge, skill, and experience in the Plumbing or Gas Fitting industry.

3. Board Approved Continuing Education Course: A course that meets the definition of continuing education and has been approved by the Board to be administered by a board approved provider. A course may be a program of multiple sessions or a single session lasting at least two hours.
4. Continuing Education: Planned, organized learning experiences that do not contain a sales pitch and that are designed to augment the knowledge, skill, and ability to enhance the knowledge of a certified contractor and therefore improve the installation, service or repair of plumbing or gas fitting provided to the consumer.
5. Continuing Education Hours: Unit of measurement of continuing education that meets Board criteria for approval and lasts at least one hour.
6. Provider ID: A permanent, nontransferable number assigned by the Board to designate an approved provider.
7. Education Committee: An annually designated committee consisting of at least one Board member and the executive director that assist in the review and continuation of the Board's continuing education program.
8. Certified Contractor: A person who holds certification as a Journeyman Plumber, Master Plumber, Journeyman Gas Fitter, Master Gas Fitter, or any combination of these levels of certification.

Author: James M. Morgan

Statutory Authority: Code of Ala. 1975, 34-37-2

History: New Rule: Published _____; effective _____.

Penalty: None

720-X-21-.02 Continuing Education General Standards.

1. All certified contractors shall obtain a minimum of four (4) hours of CE annually for each certification held.

2. All certified contractors shall be individually accountable for continued competence to renew annually.
3. The Board may prescribe additional continuing education courses as disciplinary action.
4. All certified contractors shall meet continuing education requirements as stated in Section 34-37-8 Code of Ala. 1975.
5. Continuing education is not required for an individual who is acquiring their initial certification from the Plumbers & Gas Fitters Examining Board or for individuals who have applied for and been placed on inactive status. Inactive contractors who wish to become active again must complete all continuing education requirements as a prerequisite to being approved to be placed on active status.
6. Failure to complete the minimum continuing education requirements before October 1st annually will prevent the renewal of a certified contractor's license until proof of compliance is submitted to the Board.
7. Units of measure for continuing education in hours. One hour equals at least 50 minutes.
8. Continuing education hours are awarded in increments of two hours not to exceed eight hours.
9. Certified contractors who obtain CE hours in excess of what is required for a specific year may NOT use those hours toward CE credit for the following year.
10. The Board may accept continuing education earned from an alternative continuing education provider by submitting a request for approval of non-traditional continuing education.
11. Continuing education courses and activities may not be repeated within the earning period for credit.
12. Proof of compliance with the continuing education requirements must be submitted to the Board before October 1st annually.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published _____; effective _____.

720-X-21-.03 Deficiency.

1. The Board may establish a policy for continuing education credit hour deficiency if a certified contractor fails to submit their required hours by October 1st each year. Contractors must submit a written appeal to the Board for an extension of the continuing education credit hour deficiency after October 1st and before January 1st annually. The appeal must provide a detailed plan of the contractor, including the projected date of completion, for the Board's consideration.
2. All applications for an extension due to continuing education deficiency must be submitted to the Board before December 30 of the year in which the license was due for renewal. Late fees will be incurred if the deficiency is not resolved by December 31 each year.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published _____; effective _____.

Penalty: Late fee.

720-X-21-.04 Education Committee.

Annually, the Board may establish an Education Committee to aid in developing a curriculum. The Board is also authorized to levy fees for the evaluation of continuing education providers, courses, instructors, and applications for non-traditional courses. The Education Committee's responsibilities include: approving or rejecting curriculum applications; assessing course applications for adherence to Board-Approved Continuing Education Course standards; evaluating provider applications against Board-Approved Continuing Education Providers criteria; considering instructor applications based on Continuing Education Instructor qualifications; and deciding on non-traditional continuing education applications.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published _____; effective _____.

Qualifications And Standards For Board Approved Providers And Instructors.

1. Providers are required to designate a specific company representative to manage all communications with the Board.
2. To obtain approval as a Board-certified continuing education provider, an applicant is required to submit the appropriate fee and a comprehensive application. This application should contain: a detailed plan for high-quality continuing education designed specifically for plumbing and gas fitting contractors; the provider's mission statement and goals; thorough policies and procedures for the execution and evaluation of the educational programs and units; and a specialized educational unit staffed with competent personnel and equipped with the necessary resources to execute a well-organized plan for continuing education.
3. Approved providers bear the responsibility for the quality, accuracy, and veracity of the continuing education programs they offer.
4. Approved providers are required to verify that instructors possess the qualifications suitable for the content of the activity.
5. Approved providers are required to submit electronic records of all contact hours awarded to certified contractors using the format and method prescribed by the Board.
6. Records and reports must be preserved for a minimum of two years.
7. Once approved, the entity will be assigned a provider number, recognizing it as an approved provider of continuing education.
8. The Board Approved Provider ID remains valid indefinitely, provided that the standards for approval are upheld.
9. The provider ID is required on course announcements, certificates, records, reports, and all correspondence with the Board.
10. The entity's name associated with the Board-assigned provider number can be altered upon a written request from the

designated contact person or the administrator.

11. A provider's approval may be subject to revocation if the provider does not adhere to the requirements specified in this chapter.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published _____; effective _____.

720-X-21-.06

Application For Continuing Education Course Standards.

1. An application for course approval from an approved provider of continuing education shall be submitted to the Board with the required fee.
2. The Board will only consider proposed courses and curricula for approval after the Board's Education Committee has reviewed the proposal. Requests for approval must include: detailed information about the instructors; the facilities or platform to be used, along with the equipment for instruction; a comprehensive course syllabus with a thorough description of the instruction, resources, and textbooks; and the number of contact and continuing education hours being sought.
3. Acceptable content for continuing education courses shall include one or more of the following: Technology, procedures, and industry related applications; Specialty areas of plumbing or gas fitting practices; administration, management, and supervision in plumbing or gas fitting, or related trade; Plumbing and/or gas fitting education.
4. Providers of online Continuing Education classes are required to allow the board to access each class free of charge for audit purposes.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published _____; effective _____.

720-X-21-.07

Denial Of Application For Course Or Curricula.

1. The Board may deny any education related application that fails to meet the established standards of the Board or which the Board considers inadequate to properly educate its certified contractors. The Board may consider requests for reconsideration for applications which have been denied upon a submission of written request to the Board.
2. Upon approval of a proposed course or curriculum by the Board, the Board shall require the Board approved provider to execute a written agreement to conduct the Board approved course and curriculum in accordance with the terms of the Board's approval process. This agreement shall be signed by the applicant for course and curriculum approval.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published _____; effective _____.

720-X-21-.08

Revocation, Suspension, Termination Of Course Or Curricula.

1. The Board may revoke, suspend, or terminate any provider, course, instructor, or curriculum approval if the Board determines that a course provider or curriculum has failed to comply with the Rules of the Board or its education requirements or has failed to comply with its written agreement regarding conduct of the approved course or curriculum.
2. The Board may request that a course provider reapply to the Board for approval if the provider has not held any classes for continuing education credit or submitted a roster to the Board for a period of four years. The provider will be required to submit a new application along with all appropriate fees to the Board for approval prior to holding a class for continuing education credit.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published _____; effective _____.

720-X-21-.09

Over 65 Years Of Age Exemption From Continuing Education Requirements.

1. Any certified contractor who is 65 years of age or older is exempt from continuing education requirements. The contractor is not eligible for this exemption until the year after they turn 65 years old. This exemption does not apply for the year in which the contractor turns 65 years old.
 - a. Example: (1) If the certified contractor is 64 on January 1, 2024 and turns 65 on January 2, 2024 the contractor does not qualify for the exemption for the 2024 licensing year, however the contractor will qualify for the exemption during the renewal period for the 2025 licensing year.
 - b. Example: (2) If the certified contractor turns 65 on December 31, 2023 they would qualify for the exemption and not be required to have 4 hours of continuing education to renew for 2024 licensing year because their birthday occurred prior to the 2024 licensing year.

Author: James M. Morgan
Statutory Authority: 34-37-2
History: New Rule: Published _____; effective _____.

720-X-21-.10 Initial Certification Continuing Education Exemption.

A certified contractor is not required to obtain continuing education hours to acquire their initial certification as a Journeyman Plumber or Journeyman Gas fitter.

Author: James M. Morgan
Statutory Authority: 34-37-2
History: New Rule: Published _____; effective _____.

720-X-21-.11 Continuing Education Provided By Governmental Agencies Or Governmental Associations.

Approved continuing education classes provided by municipal, county, state and federal agencies or governmental associations shall not be subject to any prescribed fee related to providers, instructors, classes or penalty fees. All other requirements shall apply.

Author: James M. Morgan
Statutory Authority: 34-37-2
History: New Rule: Published _____; effective _____.

720-X-21-.12 Fees.

- | | |
|---|----------|
| 1. Continuing Education Course Fee: | \$25.00 |
| 2. Continuing Education Instructor Fee: | \$25.00 |
| 3. Non-Traditional CE Application: | \$25.00 |
| 4. Continuing Education Deficiency Fee: | \$100.00 |
| 5. Continuing Education Provider Fee: | \$75.00 |

Author: James M. Morgan
Statutory Authority: 34-37-2
History: New Rule: Published _____; effective _____.