

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Thursday, August 29, 2024, and filed with the agency secretary on Thursday, September 5, 2024.

AGENCY NAME: ALABAMA PLUMBERS AND GAS FITTERS EXAMINING BOARD

INTENDED ACTION: New

RULE NO.: Chapter 720-X-21

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED CONTRACTORS

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. One written comment was received. It was a letter of support for Continuing Education from Russell Davis of the Home Builders Association of Alabama. The letter encouraged the Board to approve only meaningful education for plumbers and gas fitters.

Verbal comments were offered by Mr. Steven T. Davis, who holds certification with the Plumbers & Gas Fitters Examining Board as a master Plumber and Master Gas Fitter. Mr. Davis expressed support for requiring CE, but was concerned that 4 hours per year for each classification held would be hard to obtain for the average licensee because they are only getting paid if they are working. Mr. Davis added that he was also licensed by the Onsite Wastewater Board and was used to being required to obtain CE to renew his license. He also said that he views CE as a good thing.

Mr. Jason Plechura, a licensee who is certified by the Plumbers & Gas Fitters Examining Board as a Master Plumber and Master Gas Fitter expressed concerns to the board as to whether the cost of the CE program would be passed on to licensees by increasing fees. He also expressed concerns about the cost to the licensee and urged the board not to allow any product manufacturer class that includes a sales pitch. Otherwise, he said that he sees the need for CE based on some of the work that he goes behind to repair.

No other written or verbal comments were received by the board.

APA-3

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 9, AAM,
DATED FRIDAY, JUNE 28, 2024.

STATUTORY RULEMAKING AUTHORITY: 34-37-2, 34-37-8

(Date Filed)
(For LRS Use Only)

James M. Morgan

James M. Morgan

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is
required to be certified within 90 days after completion of the notice.)

**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~~ one hour.
4. Continuing Education (CE): 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 _____~~ September 30, 2024; effective November 14, 2024, operative January 1, 2025.

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~~ regardless

of the number of certifications held. Individuals who hold two certifications must obtain two hours of CE per certification held.

Example 1: If a certified contractor only holds certification as a Master Plumber, he/she is required to obtain 4-hours of plumbing CE annually.

Example 2: If a certified contractor holds both Master Plumber and Master Gas Fitter certifications, he/she is required to obtain 2-hours of plumbing CE and 2-hours of gas fitting CE annually.

2. All certified contractors shall be individually accountable for continued competence to renew annually. ~~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 and renewing their initial certification from the Plumbers ~~& Gas Fitters Examining Board~~ & Gas Fitters Examining Board during the current calendar year.

Continuing Education is not required ~~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.

Individuals whose certification is delinquent must pay back fees and penalties, unless they qualify for a waiver of annual fees and penalties and complete the required 4 hours of CE prior to being made active again.

6. Failure to complete the minimum continuing education requirements before ~~October~~ November 1st annually will prevent the renewal of a certified contractor's license until proof of compliance is submitted to the Board.

Example 1: A Master Gas Fitter who has obtained 4-hours of CE prior to October 1, 2026, may renew his/her certification as soon as renewal season (October 1-December 31) begins, but under any circumstance 4-hours of CE must be completed prior

to November 1, 2026, to avoid a penalty.

Example 2: A Master Gas Fitter wishes to renew his/her certification on or after November 1, 2026, but has not obtained 4-hours of CE. He/she will be required to submit a CE Deficiency Plan to the board that details how the licensee will obtain the required CE hours. He/she would then be required to pay the deficiency fee, then complete the CE and renew the certification prior to December 31, 2026, in order to avoid paying a late certification renewal penalty.

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~~ one hour not to exceed four ~~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 and paying the prescribed fee.
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~~ November 1st annually.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published _____; ~~effective~~ September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: Non-compliance will prevent renewal of certification.

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~~ November 1st each year. Contractors must submit a written appeal to the Board

for an extension of the continuing education credit hour deficiency after ~~October~~ November 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~~ September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: ~~Late~~ Non-compliance will prevent renewal of certification and result in a 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~~ September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: None.

**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~~ September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: Non-compliance will result in a provider and/or class not being approved.

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~~ September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: Non-compliance will result in a provider and/or class not being approved.

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~~ September
30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: Non-compliance will result in disapproval of the application.

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~~ September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: None.

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. The certified contractor must provide documentation of his/her birth date in order to qualify for the exemption.

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.

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.

2. Individuals whose certification was delinquent prior to turning 65 years of age and who are attempting to become active again must complete the required CE prior to active status being granted. Exception: If the individual has submitted documentation that he/she was not engaged in the business of plumbing or gas fitting in Alabama and has been approved for a waiver of annual fees penalties for the years prior to he/she turning 65 years of age, the individual may still qualify for the exemption.

Author: James M. Morgan

Statutory Authority: 34-37-2

History: New Rule: Published September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: None.

720-X-21-.10

Initial Certification Continuing Education
Exemption.

1. A certified contractor is not required to obtain continuing education hours to acquire or renew their initial certification as a Journeyman Plumber or Journeyman Gas fitter issued during the current calendar year.

2. a. ~~Example:~~ Certified contractors who are acquiring their initial certification as a Journeyman Plumber, Journeyman Gas Fitter, Master Plumber or Master Gas Fitter through reciprocity or eligibility based on holding a license or certification in another jurisdiction are not required to obtain CE in order to acquire or renew their initial certification issued during the current calendar ~~(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 _____ September 30, 2024; effective November 14, 2024, operative January 1, 2025.

~~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~~**Penalty:** James M. Morgan

~~Statutory Authority:~~ 34-37-2

~~History: New Rule:~~ Published _____; effective _____None.

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 _____September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: None

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 _____September 30, 2024; effective November 14, 2024, operative January 1, 2025.

Penalty: None.