

DECLARATION OF EMERGENCY

Workforce Commission Plumbing Board

Plumbers—Continuing Professional Education Programs
(LAC 46:LV.101, 312, 1001 and 1002)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Louisiana State Plumbing Board (board), hereby determines that the adoption of an Emergency Rule for the implementation of amendments to LAC 46:LV.101, 312, 1001 and 1002. The proposed Rule change to §101 is to address a conflict in the current definition of “repair” resulting from the creation of the tradesman plumber license. The proposed Rule change to § 312 is to correct a typographical error relating to the initial registration fee for apprentice plumbers and the initial license fee for tradesman plumbers. The proposed Rule change to §§1001 and 1002 amends the number of continuing education hours required for Tradesman, Journeyman, Master Plumbers, Gas Fitters and Master Gas Fitters and sets forth the required hours for dual license holders. These adjustments will be effective upon publication in the *Louisiana Register* (December 20, 2017).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LV. Plumbers

Chapter 1. Introductory Information

§101. Definitions

* * *

Repair—as that term is used in R.S. 37:1367.A, shall mean and be limited to the performance of repairs to existing plumbing, the clearing of stoppages, or repairing leaks. Such repair work shall be performed only by a *journeyman plumber* as defined in §101. *Journeyman Plumber* of these rules, or by a *tradesman plumber* as defined in §101. *Tradesman Plumber* of these rules.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:575 (April 2016), LR 43:541 (March 2017), LR 43:972 (May 2017), amended by the Workforce Commission, Plumbing Board, LR 43:

Chapter 3. Licenses

§312. Fees

A. The fees and charges of the board relative to apprentice plumbers shall be as follows:

1. initial registration fee—\$10;

A.2. - B.3. ...

4. initial license fee (this fee to be paid after applicant has successfully passed the exam, in order to receive his first license)—\$ 30;

B.5. - I.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D and R.S. 37:1371.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated LR 7:588 (November 1981), amended LR 15:1089 (December 1989),

amended by the Department of Employment and Training, Plumbing Board, LR 16:23 (January 1990), LR 17:53 (January 1991), amended by the Department of Labor, Plumbing Board, LR 19:898 (July 1993), LR 19:1594 (December 1993), LR 21:1351 (December 1995), LR 26:327 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 43:545 (March 2017), LR 43:975 (May 2017), amended by the Workforce Commission, Plumbing Board, LR 43:

Chapter 10. Continuing Professional Education Programs

§1001. Tradesman, Journeyman and Master Plumbers

A. CPE Requirement

1. All persons seeking to renew a tradesman license issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than 3 1/2 hours of a Louisiana State Plumbing Board-approved CPE class in the prior calendar year, as set out in this Section.

2. All persons seeking to renew a journeyman license issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than 3 1/2 hours of a Louisiana State Plumbing Board-approved CPE class in the prior calendar year, as set out in this Section.

3. All persons seeking to renew a master plumber's license or to convert an inactive master plumber's license to an active master plumber's license must attend and show proof of attendance at no less than five hours of a Louisiana State Plumbing Board-approved CPE class in the prior calendar year, as set out in this Section.

4. ...

5. A holder of an inactive master plumber's license who seeks to function as a journeyman plumber is required to attend and show proof of attendance at no less than 3 1/2 hours of a Louisiana State Plumbing Board-approved CPE class in the prior calendar year, as set out in this Section.

6. All persons holding and seeking to renew journeyman plumber and gas fitter licenses issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than 4 1/2 hours as set out in this section and in 1002.B.

7. All persons holding and seeking to renew journeyman plumber and master gas fitter licenses issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than six hours as set out in this section and in 1002.B.

8. All persons holding and seeking to renew master plumber and gas fitter licenses issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than six hours as set out in this section and in 1002.B.

9. All persons holding and seeking to renew master plumber and master gas fitter licenses issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than six hours as set out in this section and in 1002.B.

B. - B.1. ...

2. The course materials will provide the basis for a minimum of 3 1/2 classroom hours of study for tradesman plumbers and journeyman plumbers. One hour will be in the subjects of health protection, consumer protection or environmental protection, 1/2 hour shall include information concerning the Act, Louisiana State Plumbing Board rules, and two hours covering current industry practices and codes, and subjects from a list approved and published by the Louisiana State Plumbing Board.

3. The course materials will provide the basis for a minimum of five classroom hours of study for master plumbers. One hour will be in the subjects of health protection, consumer protection or environmental protection, 1/2 hour shall include information concerning the Act, Louisiana State Plumbing Board rules, two hours covering current industry practices and codes, and subjects from a list approved and published by the Louisiana State Plumbing Board, and 1 1/2 hours on business topics approved by the Louisiana State Plumbing Board.

4. The Louisiana State Plumbing Board will periodically publish lists of approved and required subjects.

5. The course materials must be presentations of relevant issues and changes within the subject areas as they apply to the plumbing practice in the current market, public health or topics which increase or support the licensee's development of skill and competence.

6. The course materials may not advertise or promote the sale of goods, products or services.

7. The course materials must be printed and bound in perfect/standard, metal coil or ring binder form.

8. The course materials will include perforated Louisiana State Plumbing Board forms within the binding of the course materials that may be removed for use by the licensees. The forms will include CPE evaluation forms, license and endorsement examination forms and general complaint forms.

9. All course materials must have the following characteristics:

a. high quality, readable and carefully prepared written materials with correct grammar, spelling and punctuation;

b. appropriate illustrations and graphics to show concepts not easily explained in words; and

c. in depth and comprehensive presentation of subject matter which increases or supports the skills or competence of the licensees.

10. The provider of course materials must have legal ownership of or an appropriate license for the use of all copyrighted material included within the course materials. Louisiana State Plumbing Board approved course materials will contain a prominently displayed approval statement in 10-point bold type or larger containing the following language:

"THIS CONTINUING PROFESSIONAL EDUCATION COURSE MATERIAL HAS BEEN APPROVED BY THE LOUISIANA STATE PLUMBING BOARD FOR USE IN THE (State Year) CPE YEAR. BY ITS APPROVAL OF THIS COURSE MATERIAL, THE LOUISIANA STATE PLUMBING BOARD DOES NOT ASSUME ANY RESPONSIBILITY FOR THE ACCURACY OF THE CONTENTS. FURTHER, THE LOUISIANA STATE PLUMBING BOARD HAS NOT MADE ANY DETERMINATION THAT THE PARTY PUBLISHING THE COURSE MATERIALS HAS COMPLIED WITH ANY APPLICABLE COPYRIGHT AND OTHER LAWS IN PUBLISHING THE COURSE MATERIAL AND THE LOUISIANA STATE PLUMBING BOARD DOES NOT ASSUME ANY LIABILITY OR RESPONSIBILITY THEREFOR. THE COURSE MATERIAL IS NOT BEING PUBLISHED BY NOR IS IT A PUBLICATION OF THE LOUISIANA STATE PLUMBING BOARD."

11. The provider of course materials will conduct instructor training in the use of course materials.

12. The provider of course materials will be required to have distribution facilities that will ensure prompt distribution of course materials, facsimile ordering and a

statewide toll free telephone number for placing orders. The provider of course materials must ship any ordered material within ten business days after the receipt of the order and payment for the course materials.

13. Any individual, business or association who wishes to offer to provide course materials shall apply to the Louisiana State Plumbing Board for approval using application forms prepared by the Louisiana State Plumbing Board. In order to be approved, the application must satisfy the Louisiana State Plumbing Board as to the ability of the individual, business or association to provide quality course materials as required in this Section and must include:

a. name and address of individual applicant;

b. names and addresses of all officers, directors, trustees or members of the governing board of any business or association applicant;

c. statement by individual applicant, and each officer, director, trustee or member of governing board as to whether he or she has ever been convicted of a felony or misdemeanor other than a minor traffic violation;

d. certificate of good standing issued by the Louisiana Secretary of State for corporate applicants;

e. maximum fees to be charged for course materials;

f. taxpayer identification number;

g. method for quarterly reporting of course provider, instructors, and licensee evaluations of course materials to the Louisiana State Plumbing Board; and an application fee to be set as provided by law.

14. The provider of course materials must sell course materials to all course providers on request, at a price not to exceed the maximum fee to be charged as stated on the provider's application.

15. The Louisiana State Plumbing Board may refuse to accept any application for approval as a provider of course materials that is not complete. The Louisiana State Plumbing Board may deny approval of an application for any of the following reasons:

a. failure to comply with the provisions of this Section;

b. inadequate coverage of the materials required to be included in course materials; or

c. unsatisfactory evaluations of the course materials by licensees or Louisiana State Plumbing Board members or staff.

16. If an application is refused or disapproved, written notice detailing the basis of the decision shall be provided to the applicant within 90 days of the refusal or disapproval.

17. A provider's authority to offer the course materials for which CPE credit is given expires on December 31 of the calendar year following approval.

18. To be approved, 20 copies of course materials, including any handouts and audio/visual aids to be used, must be submitted in complete draft form to the Louisiana State Plumbing Board's office no later than October 15 (or at least 30 days prior to the Louisiana State Plumbing Board's November meeting, whichever is earlier) for Louisiana State Plumbing Board approval at its November Louisiana State Plumbing Board meeting. At least 20 copies each of all course materials that are approved at the Louisiana State Plumbing Board's November meeting shall be provided to the Louisiana State Plumbing Board's office no later than February of the following year, at no cost to the Louisiana State Plumbing Board.

19. Upon a showing of compelling necessity, the plumbing board, in its discretion, may grant an exception to the requirement that material be submitted prior to the plumbing board's November meeting, and, pursuant to this exception, may approve material submitted at least 30 days prior to any quarterly meeting of the plumbing board, which otherwise meets the requirements of this Section.

20. A provider's failure to comply with this Section constitutes grounds for disciplinary action, consistent with the Louisiana Administrative Procedure Act, against the provider or for disapproval of future applications for approval as a provider of course materials.

C. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(I).

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 30:2068 (September 2004), amended LR 37:2440 (August 2011), amended by the Workforce Commission, Plumbing Board, LR 43:979 (May 2017), amended by the Workforce Commission, Plumbing Board, LR 37:

§1002. Gas Fitters and Master Gas Fitters

A. CPE Requirement

1. All persons seeking to renew a gas fitter's license issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than 2 1/2 hours of a Louisiana State Plumbing Board-approved CPE class in the prior calendar year, as set out in this Section.

2. All persons seeking to renew a master gas fitter's license or to convert an inactive master gas fitter's license to an active master gas fitter's license must attend and show proof of attendance at no less than four hours of a Louisiana State Plumbing Board-approved CPE class in the prior calendar year, as set out in this Section.

3. ...

4. A holder of an inactive master gas fitter's license who seeks to function as a gas fitter is required to attend and show proof of attendance at no less than 2 1/2 hours of a Louisiana State Plumbing Board-approved CPE class in the prior calendar year, as set out in this Section.

5. All persons holding and seeking to renew gas fitter and journeyman plumber licenses issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than 4 1/2 hours as set out in this section and in 1001.B.

6. All persons holding and seeking to renew gas fitter and master plumber licenses issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than six hours as set out in this section and in 1001.B.

7. All persons holding and seeking to renew master gas fitter and journeyman plumber licenses issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than six hours as set out in this section and in 1001.B.

8. All persons holding and seeking to renew master gas fitter and master plumber licenses issued by the Louisiana State Plumbing Board are required to attend and show proof of attendance at no less than six hours as set out in this section and in 1001.B.

B. - B.2. ...

3. The course materials will provide the basis for a minimum of 2 1/2 classroom hours of study for gas fitters. One hour will be in the subjects of health protection, consumer protection or environmental protection, 1 1/2 hours shall include information concerning the Act,

Louisiana State Plumbing Board rules with the one remaining hour covering current industry practices and codes, and subjects from a lists approved and published by the Louisiana State Plumbing Board.

4. The course materials will provide the basis for a minimum of four classroom hours of study for master gas fitters. One hour will be in the subjects of health protection, consumer protection or environmental protection, 1/2 hour shall include information concerning the Act, Louisiana Louisiana State Plumbing Board rules, and one hour covering current industry practices and codes, and subjects from a list approved and published by the Louisiana State Plumbing Board, and 1 1/2 hours on business topics approved by the Louisiana State Plumbing Board.

5. The Louisiana State Plumbing Board will periodically publish lists of approved and required subjects.

6. The course materials must be presentations of relevant issues and changes within the subject areas as they apply to the gas fitting practice in the current market, public health or topics which increase or support the licensee's development of skill and competence.

7. The course materials may not advertise or promote the sale of goods, products or services.

8. The course materials must be printed and bound in perfect/standard, metal coil or ring binder form.

9. The course materials will include perforated Louisiana State Plumbing Board forms within the binding of the course materials that may be removed for use by the licensees. The forms will include CPE evaluation forms, license and endorsement examination forms and general complaint forms.

10. All course materials must have the following characteristics:

a. high quality, readable and carefully prepared written materials with correct grammar, spelling and punctuation;

b. appropriate illustrations and graphics to show concepts not easily explained in words; and

c. in depth and comprehensive presentation of subject matter which increases or supports the skills or competence of the licensees.

11. The publishers of course materials must have legal ownership of or an appropriate license for the use of all copyrighted material included within the course materials. Louisiana State Plumbing Board approved course materials will contain a prominently displayed approval statement in 10-point bold type or larger containing the following language:

"THIS CONTINUING PROFESSIONAL EDUCATION COURSE MATERIAL HAS BEEN APPROVED BY THE LOUISIANA STATE PLUMBING BOARD FOR USE IN THE (state year) CPE YEAR. BY ITS APPROVAL OF THIS COURSE MATERIAL, THE LOUISIANA STATE PLUMBING BOARD DOES NOT ASSUME ANY RESPONSIBILITY FOR THE ACCURACY OF THE CONTENTS. FURTHER, THE LOUISIANA STATE PLUMBING BOARD HAS NOT MADE ANY DETERMINATION THAT THE PARTY PUBLISHING THE COURSE MATERIALS HAS COMPLIED WITH ANY APPLICABLE COPYRIGHT AND OTHER LAWS IN PUBLISHING THE COURSE MATERIAL AND THE LOUISIANA STATE PLUMBING BOARD DOES NOT ASSUME ANY LIABILITY OR RESPONSIBILITY THEREFOR. THE COURSE MATERIAL IS NOT BEING PUBLISHED BY NOR IS IT A PUBLICATION OF THE LOUISIANA STATE PLUMBING BOARD."

12. The publishers of course materials will conduct instructor training in the use of course materials.

13. Any individual, business or association who wishes to offer to publish course materials shall apply to the Louisiana State Plumbing Board for approval using application forms prepared by the Louisiana State Plumbing Board.

14. The Louisiana State Plumbing Board may refuse to accept any application for approval as a publisher of course materials that is not complete. The Louisiana State Plumbing Board may deny approval of an application for any of the following reasons:

- a. failure to comply with the provisions of this Section;
- b. inadequate coverage of the materials required to be included in course materials; or
- c. unsatisfactory evaluations of the course materials by licensees or Louisiana State Plumbing Board members or staff.

15. If an application is refused or disapproved, written notice detailing the basis of the decision shall be provided to the applicant within 90 days of the refusal or disapproval.

16. A publisher's authority to offer the course materials for which CPE credit is given expires on December 31 of the calendar year following approval.

17. To be approved, 10 copies of course materials, including any handouts and audio/visual aids to be used, must be submitted in complete draft form to the Louisiana State Plumbing Board's office no later than October 15 (or at least 30 days prior to the Louisiana State Plumbing Board's November meeting, whichever is earlier) for Louisiana State Plumbing Board approval at its November Louisiana State Plumbing Board meeting. At least 10 copies each of all course materials that are approved at the Louisiana State Plumbing Board's November meeting shall be provided to the Louisiana State Plumbing Board's office no later than February of the following year, at no cost to the Louisiana State Plumbing Board.

18. Upon a showing of compelling necessity, the plumbing board, in its discretion, may grant an exception to the requirement that material be submitted prior to the plumbing board's November meeting, and, pursuant to this exception, may approve material submitted at least 30 days prior to any quarterly meeting of the plumbing board, which otherwise meets the requirements of this Section.

19. A publisher's failure to comply with this Section constitutes grounds for disciplinary action, consistent with the Louisiana Administrative Procedure Act, against the provider or for disapproval of future applications for approval as a provider of course materials.

C. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(I) and R.S. 37:1368(H).

HISTORICAL NOTE: Promulgated by the Workforce Commission, Plumbing Board, LR 43:549 (March 2017), amended by the Workforce Commission, Plumbing Board, LR 43:

Ashley Jones Tullier
Executive Director