

To: Regulatory Compliance Division Director

From: Lynn Latombe, General Counsel, Texas State Board of Plumbing Examiners

Date: July 18, 2022

Subject: The Texas State Board of Plumbing Examiners (Board) proposes amendments to the existing rules at 22 Texas Administrative Code (TAC), Chapter 365, §§365.19, 365.20, 365.21, and 365.22.

The Texas State Board of Plumbing Examiners (Board) has proposed amendments to 22 Texas Administrative Code (TAC), Chapter 365, §§ 365.19, 365.20, 365.21, and 365.22 as published in the June 8, 2022 issue of the Texas Register. The proposed rules potentially affect market competition and are submitted to the Regulatory Compliance Division for review. The PDF version of the preamble and text of the proposed rule as published in the Texas Register, and the language of any amendments to the proposed rule that the Texas State Board of Plumbing Examiners intends to adopt, are attached to this memorandum.

To facilitate the Regulatory Compliance Division's review of the proposed rule, the Texas State Board of Plumbing Examiners provides answers to the following questions.

*1. Briefly describe the proposed rules.*

The rule at §365.19 describes the minimum expectations for continuing professional education and training course providers.

The rule at §365.20 describes the minimum expectations for continuing professional education and training instructors.

The rule at §365.21 describes the minimum expectations for continuing professional education and training programs for medical gas piping installation.

The rule at §365.22 describes licensing procedures for military spouses, military service members, and military veterans.

*2. What is the purpose of the proposed rules?*

The proposed rules implement changes to Texas Occupations Code, Chapter 1301 of the Texas Occupations Code (Plumbing License Law or PLL) as amended by House Bill 636 (HB 636), 87th Texas Legislature, Regular Session, 2021, Board efforts to improve regulation of the industry by simplifying the rules as part of its four-year rule review, and to comply with Chapter 55 of the Texas Occupations Code.

The rule at §365.19 supports statutory changes instituted by HB 636 to establish minimum qualification for course and training providers. The rule further eliminates overly proscriptive rules regarding format, delivery, and class size as recommended by the Sunset Commission.

The rule at §365.20 facilitate statutory requirements implemented by HB 636 to establish minimum qualifications for instructors of continuing professional education courses and training programs.

The rule at § 365.21 amends the current rule to include the successful completion of a nation certification in medical gas installation to satisfy the continuing education requirement for that endorsement. Further changes eliminate the requirement for a bound, physical copy of NFPA 99, as the NFPA is available and used digitally. Further language is eliminated to remove unnecessary language and references, including (c)(3) which limited a course provider from marking up the price of material purchased from the NFPA.

The rule at § 365.22 facilitate statutory requirements in Chapter 55 of the Texas Occupations Code which requires state agencies to adopt certain rules relating to licensing military service members, military veterans, and military spouses. The current rule addresses only military spouses, the proposed rule will address licensing provisions for military service members, military veterans and military spouses.

*3. Describe any relevant factual background to the proposed rule and the impetus for the state agency to consider rulemaking.*

Amendments to Chapter 1301 of the Texas Occupations Code passed by the 87th Legislature, Regular Session (2021), specifically Sections 18 through 21 of HB 636, significantly impacted the Board's continuing education and training programs. The amendments to the rules are proposed to support statutory changes and to do away with overly prescriptive requirements per the Sunset Commission's recommendations.

As part of its four-year rule review of the existing rules at 22 Texas Administrative Code (TAC) Chapter 365, the Board initiated a rule simplification initiative to make the rules easier to use and understand by eliminating unnecessary language, adding clarifying language, restructuring regulations to make the rules more efficient, and reduce regulatory barriers. Unnecessary internal references to rule and statute have been eliminated to keep the rules current regardless of changes to statute and rule.

*4. Describe the legal authority for the proposed rule.*

Tex. Occ. Code § 1301.251(2), provides that the Board has a general rule-making authority to "adopt and enforce rules necessary to administer" Chapter 1301 of the Texas Occupations Code. Additionally, specific statutory change initiated by HB 636 amended §1301.404 and impacted §1301.405 to vest the authority for the administrative approval of continuing professional education programs and instructors in the Executive Director rather than the Board. Chapter 55 of the Texas Occupations Code (Chapter 55) requires state licensing agencies recognize and process licenses for military service members, military veterans, and military spouses.

a. *Is the proposed rule specifically required or authorized by state statute? If so, list the statute(s).*

Yes, Tex. Occ. Code § 1301.404 and §1301.405 requires the Board to adopt rules to establish minimum qualifications for instructors. Chapter 55 of the Texas Occupations Code requires state agencies to adopt rules to facilitate the recognition, licensing, and renewal of licenses for active military members, military spouses, and veterans.

b. *Is the proposed rule within the scope of the state agency's general authority to regulate in a given occupation or industry? If so, describe how the proposed rule is within the scope, and reference the applicable state statute(s).*

Yes, Tex. Occ. Code § 1301.251(2), provides that the Board has a general duty to "adopt and enforce rules necessary to administer" Chapter 1301 of the Texas Occupations Code. Additionally, Tex. Occ. Code §§ 1301.404(a) and 1301.405(a-1) require the Board to adopt rules establishing minimum curriculum standards and instructor qualifications for continuing education and training programs.

5. *Describe the process that the state agency followed in developing the proposed rule, including any public hearings held, public comments invited, studies conducted, and data collected or analyzed.*

Draft continuing education rules were presented and discussed at the Continuing Education Providers spring meeting on April 20, 2022. Comments and input from this meeting are reflected in the proposed rules. The Texas State Board of Plumbing Examiners reviewed these rules at its Board meeting on May 24, 2022 and recommended them for posting in the Texas Register for 30 days of public comment.

6. *Describe the harm that the proposed rule is intended to address and how the proposed rule will address the harm.*

The rules are not intended to address any harm; they are proposed merely to support the statutory changes made by HB 636 and, in the case of §365.21, lower regulatory barriers to medical gas endorsement continuing education opportunities by allowing an additional opportunity for continuing education provided by accepting national certification as acceptable continuing education.

7. *Do any less restrictive alternatives to the proposed rule exist for addressing the same harm? If so, include a comparison of the proposed rule to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.*

No.

8. *Indicate how the proposed rule affects market competition (See Section 57.105(d), Texas Occupations Code).*

The Board does not anticipate that the rule amendments affect market competition any more than the existing legislative scheme laid out by the legislature. The rule at § 365.21 amends the current rule to include the successful completion of a nation certification in medical gas installation to satisfy the continuing education requirement for that endorsement. This rule lowers regulatory burdens by allowing an alternative path for continuing education, thus expanding competition for education providers. Costs are further reduced by eliminating the requirement for a bound, physical copy of NFPA 99, as the NFPA is available and used digitally. Lastly, overly proscriptive regulation is eliminated to remove unnecessary language and references, including (c)(3) which limited a course provider from marking up the price of material purchased from the NFPA.

- It creates a barrier to market participation in the state.
- It results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.
- It both creates a barrier to market participation in the state and results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.

*9. Describe the specific impact that the proposed rule will have on market competition and how that effect is consistent with state policy as established by the Legislature in state statute.*

The rules simply support statutory change and in instances reduce the burden on market competition by eliminating over-proscriptive regulation and expanding opportunities for continuing education. That is consistent with state policy as established by the Legislature in state statutes. Since continuing education has always been taught by licensees, no significant impact is expected. Tex. Occ. Code § 1301.404 and § 1301.405 requires the Board to adopt rules to establish minimum qualifications for instructors. By making sure instructors meet the same qualifications as those they seek to instruct, the Board is ensuring that its licensees are receiving a minimum level of competent instruction from an instructor with experience and knowledge of the profession.

*10. Do the proposed rules relate to a question that is the subject of an opinion request pending before the Office of the Attorney General? Does the proposed rule relate to an opinion previously issued by the Office of the Attorney General?*

No and No.

*11. Does the proposed rule relate to a matter on which there is pending litigation or a final court order?*

No.

*12. Is there anything else that the state agency would like the Regulatory Compliance Division to know about the proposed rule?*

No.

***Note: In addition to this memorandum and its required attachments, the state agency must provide copies of the state agency's administrative records regarding the proposed rule, including any information or comments that the state agency received from the public regarding the proposed rule. A state agency is not required to submit any privileged or confidential information to the Regulatory Compliance Division.***

[(b)] The presiding officer of the Board shall appoint the members of [the] committees. [Except as provided by subsection (e) of this section, each committee member must be a member of the Board.]

[(e)] The presiding officer may appoint only members of the agency staff to the Enforcement Committee whose duties will include following the requirements of the APA, the Plumbing License Law and the policies, guidelines and rules established by the Board and:}]

[(1)] investigating complaints or designating an employee of the Board to investigate complaints;}]

[(2)] reviewing complaint investigations to determine whether a violation of the Plumbing License Law or Board Rules has occurred;}]

[(3)] recommending the imposition of administrative penalties and issue notices of alleged violations;}]

[(4)] conducting informal conferences;}]

[(5)] negotiating proposed settlements;}]

[(6)] overseeing the preparation for contested cases;}]

[(7)] overseeing the issuance of cease and desist orders, criminal citations and the filing of injunctions; and}]

[(8)] reviewing applicants for examination, registration and licensing who have a criminal conviction history affected by §363.15 of the Board Rules.}]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 24, 2022.

TRD-202202373

Lynn Latombe

General Counsel

Texas State Board of Plumbing Examiners

Earliest possible date of adoption: August 7, 2022

For further information, please call: (512) 936-5215



## CHAPTER 365. LICENSING AND REGISTRATION

### 22 TAC §§365.1, 365.5, 365.7, 365.8, 365.14, 365.15, 365.19 - 365.25

The Texas State Board of Plumbing Examiners (Board) proposes amendments to the existing rules at 22 Texas Administrative Code (TAC), Chapter 365, §§365.1, 365.5, 365.7, 365.8, 365.14, 365.15 and 365.19 - 365.25, concerning licensing and registration. These proposed changes are referred to as "proposed rules."

#### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The proposed rules implement changes to Texas Occupations Code, Chapter 1301 (Plumbing License Law or PLL) as amended by House Bill 636 (HB 636), 87th Texas Legislature, Regular Session, 2021, Board efforts to improve regulation of the industry by simplifying the rules as part of its four-year rule review, and to comply with Chapter 55 of the Texas Occupations Code.

#### *Implementation of HB 636*

HB 636 amended the Plumbing License Law. Statutory changes eliminated the requirement that a responsible master plumber (RMP) complete an approved training program regarding the laws and rules applicable to the operation of a plumbing business in Texas. HB 636 added a qualification path for licensure as a Tradesman-Limited Plumber upon successful examination and completion of a career and technology education program offered by a high school or institution of higher education approved by State Board of Education and the Board. Instructors for the new career and technology program are required to be licensed by the Board as a master plumber, journeyman plumber, or plumbing inspector. Instructors providing meaningful instruction are allowed to complete hours of continuing professional education every three years under Section 1301.404 as amended by HB 636. HB 636 further amended Section 1301.404 to vest the authority for the administrative approval of continuing professional education programs and instructors in the Executive Director rather than the Board. HB 636 amended Section 1301.304 to move the responsibility to investigate violations of the PLL or rules from the Enforcement Committee to the Board, or a Board-designated employee. HB 636 removed the ability of field representatives to issue citations, and created a non-renewable, 30-day temporary license for applicants meeting the qualifications for such licensure established in rule. The proposed rules facilitate the statutory changes made by HB 636.

#### *Rule Review Changes*

The Board, under its general rule-making authority in Section 1301.251 of Texas Occupations Code and part of its four-year rule review of the existing rules at 22 Texas Administrative Code (TAC) Chapter 365, initiated a rule simplification initiative to make the rules easier to use and understand by eliminating unnecessary language, adding clarifying language, and restructuring regulations to make the rules more efficient. Unnecessary internal references to rule and statute have been eliminated to keep the rules current regardless of changes to statute and rule.

#### *Implementation of Chapter 55 of the Texas Occupations Code*

Chapter 55 of the Texas Occupations Code requires state agencies to adopt certain rules relating to licensing military service members, military veterans, and military spouses. The proposed rule at 365.22 amends the current rule, which addresses only military spouses, to include military service members, military veterans, and military spouses.

#### SECTION BY SECTION SUMMARY

Section 365.1 The proposed rule makes non-substantive changes to the current rule to eliminate unnecessary language and references to simplify the rule.

Section 365.5 The proposed rule makes non-substantive changes to the current rule to simply re-words and re-structures the requirements for renewal in an effort to make it easier to read.

Section 365.7 The proposed rule makes non-substantive changes to the current rule to eliminate an unnecessary reference.

Section 365.8 The proposed rule consolidates Subsection (d) into (a) of the current rule to show a licensee or registrant must inform the Board of a change of physical address and legal name change to make the rule more efficient and easier to read. It also makes a new requirement that the Board be notified of a change in email address.

Section 365.14 The proposed rule changes the rule heading to "Continuing Professional Education and Training Requirements." It further adds "as applicable" to subsection (c) to clarify that continuing education and training can be taken in person, via correspondence, or virtually.

Section 365.15 The proposed rule eliminates references to a "publisher" of course material. The Board earlier repealed regulation of publishers. HB 636 moved the administrative approval of continuing education from the Board to the Executive Director. Further language is eliminated to streamline the rule and clarify that the Executive Director will approve both continuing professional education and training courses. Lastly, a clarification in (c) shows that course material is approved for two years from their stated effective date, or the date they are approved, whichever is later.

Section 365.19 The proposed rule eliminates references to Board approval of courses or training. Under HB 636, the Executive Director facilitates the administrative approval of courses and instructors. Furthermore, the proposed rule eliminates overly proscriptive rules regarding class format, delivery, and class size as was recommended by the Sunset Commission. The proposed rule requires that courses and training segments are required to be at least one hour in length. The proposed rule gives notice that providers may incorporate materials or presentations by manufacturing vendors, but only educational and informative portions will be given credit. The proposed rule requires that an education provider offer to refund or reschedule the course should the original course be cancelled. The rule expands the time frame a provider will provide a certificate of completion to the student from forty-eight (48) hours to within three (3) business days after successful course completion.

Section 365.20 The proposed rule sets the minimum qualifications for instructors of continuing education courses and training programs, eliminates overly proscriptive language as recommended by the Sunset Commission, and facilitates the standards under which the Executive Director will approve instructors as mandated by HB 636. It requires an instructor must be a journeyman, master, or plumbing inspector in good standing. An instructor teaching an endorsement course must hold that endorsement. Instructors must teach approved material and report course completion within three (3) business days after the course is complete. The requirement that an instructor complete the Course Instructor Certification Workshop is eliminated.

Section 365.21 The current rule provides that continuing education for a medical gas piping endorsement must have two hours of CPE. The rule proposal amends the rule to include that the successful completion of a national certification in medical gas may also satisfy the continuing education requirement for that endorsement. Further changes eliminate the requirement for a bound, physical copy of NFPA 99, as the NFPA is available and used digitally. Further language is eliminated to remove unnecessary language and references, including (c)(3) which prohibited a course provider from marking up the price of material purchased from the NFPA.

Section 365.22 Chapter 55 of the Texas Occupations Code requires state agencies to adopt certain rules relating to licensing military service members, military veterans and military spouses. The current rule addresses only military spouses; the proposed rule expands the opportunity for licensure to military service members, military veterans, and military spouses.

Section 365.23 Section 1301.406 of the PLL allows for the transfer of a license held for 35 consecutive years. The current rule at 365.23(a) is inconsistent with statute; therefore, the proposed rule eliminates the provision inconsistent with statute. The remaining changes simply eliminate unnecessary language and references to improve readability.

Section 365.24 The proposed rule allows instructors who teach the alternative option for becoming a Tradesman-Limited Plumber at a high school or institute of higher education the ability to renew their license by completing six hours of continuing education at least every three years, if they provide at least 18 hours of instruction annually. This provision facilitates the requirement in HB 636 which amended 1301.407(g).

Section 365.25 The proposed rule supports the temporary, non-renewable, 30-day licenses created by HB 636. This rule shows that this license may be granted in conditions of disaster as declared by the Governor or determined by the Executive Director.

#### FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Lisa G. Hill, Executive Director for the Board (Executive Director), has determined that for the first five-year period the proposed rules are in effect, there are no foreseeable increases or reductions in costs to the state or local governments as a result of enforcing or administering the rules. The Executive Director has further determined that for the first five-year period the proposed rules are in effect, there will be no foreseeable losses or increases in revenue for the state or local governments as a result of enforcing or administering the rules.

#### PUBLIC BENEFITS

The Executive Director has determined that for each of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be to have fewer regulatory barriers to licensure and greater opportunity to expand the population of licensed plumbers. Regulatory efficiency is enhanced by supporting approval of continuing professional education courses and instructors by the Executive Director. Enhanced regulatory efficiency is also realized by removing a course requirement on responsible master plumbers.

#### PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH THE RULE

The executive director has determined that for the first five years the proposed rules are in effect, there are no substantial economic costs anticipated to persons required to comply with the proposed rules.

#### ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

Given that the proposed rules do not have a fiscal note which imposes a cost on regulated persons, including another state agency, a special district, or local government, proposal and adoption of the rules is not subject to the requirements of Government Code §2001.0045.

#### GOVERNMENT GROWTH IMPACT STATEMENT

For each of the first five years the proposed rules are in effect, the Board has determined the following: (1) the proposed rules do not create or eliminate a government program; (2) implementation of the proposed rules do not require the creation of new employee positions or the elimination of existing employee positions; (3) implementation of the proposed rules do not require an

increase or decrease in future legislative appropriations to the agency; (4) the proposed rules do not require an increase or decrease in fees paid to the agency; (5) the proposed rules do not create a new regulation; (6) the proposed rules do not expand, limit, or repeal an existing regulation; (7) the proposed rules do not increase or decrease the number of individuals subject to the rules' applicability; and (8) the proposed rules do not positively or adversely affect this state's economy.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

No local economies are substantially affected by the proposed rules. As a result, preparation of a local employment impact statement pursuant to Government Code §2001.022 is not required.

#### FISCAL IMPACT ON SMALL AND MICRO-BUSINESS, AND RURAL COMMUNITIES

The proposed rules will not have an adverse effect on small or micro-businesses, or rural communities because there are no substantial economic costs anticipated to persons required to comply with the proposed rules. As a result, preparation of an economic impact statement and a regulatory flexibility analysis, as provided by Government Code §2006.002, are not required.

#### TAKINGS IMPACT ASSESSMENT

There are no private real property interests affected by the proposed rules. As a result, preparation of a takings impact assessment, as provided by Government Code §2007.043, is not required.

#### PUBLIC COMMENTS

Written comments regarding the amended rule may be submitted by mail to Patricia Latombe at P.O. Box 4200, Austin, Texas 78765-4200, or by email to rule.comment@tsbpe.texas.gov with the subject line "Rule Amendments." All comments must be received within 30 days of publication of this proposal.

#### STATUTORY AUTHORITY

This proposal is made under the authority of Texas Occupations Code Chapter 1301 as amended by HB 636 during the 87th Legislative Session. Section 1301.251(2) of the Texas Occupations Code authorizes the Texas State Board of Plumbing Examiners to adopt rules as necessary to implement the Chapter. The proposal is also proposed under the authority of Chapter 55 of the Texas Occupations Code which requires state agencies to adopt certain rules relating to licensing military service members, military veterans, and military spouses. No other statutes, articles, or codes are affected by the proposed rules.

§365.1. *License, Endorsement and Registration Categories; Scope of Work Permitted.*

(a) [Pursuant to §1301.002 and §1301.351 of the Plumbing License Law and §361.1 of the Board Rules, the] The scope of plumbing work that an individual may perform is dictated by the type of license, endorsement, or registration [or combination thereof] held [by the individual].

(b) An individual who holds a current Master Plumber License and meets the requirements of a Responsible Master Plumber (RMP) [under §1301.3576 of the Plumbing License Law and §367.3(a) of the Board Rules]:

(1) may advertise or otherwise offer to perform or provide plumbing to the general public;

(2) may enter into contracts or agreements to perform plumbing;

(3) shall obtain plumbing permits to perform plumbing work;

(4) may perform plumbing work without supervision; and

(5) shall supervise plumbing work performed by other licensees or registrants.

(c) An individual who holds a current Journeyman or Master Plumber License may perform or supervise plumbing work:

(1) under the supervision of a RMP; and

(2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP [in accordance with §367.3(a)(2) of the Board Rules].

(d) An individual who holds a current Tradesman Plumber-Limited License may:

(1) perform or supervise plumbing work on one or two-family dwellings:

(A) under the supervision of a RMP; and

(B) only under contracts or agreements to perform plumbing secured by a RMP or a person who has secured the services of a RMP [in accordance with §367.3(a)(2) of the Board Rules]; or

(2) assist in the installation of plumbing other than for one or two-family dwellings under the on-the-job supervision of a Journeyman or Master Plumber.

(e) An individual who holds a current Plumbing Inspector License may perform plumbing inspections as an employee or independent contractor of a political subdivision or state agency for compliance with health and safety laws and ordinances.

(1) An individual who holds a current Plumbing Inspector License with a current Medical Gas Piping Installation Endorsement may perform inspections of piping that is used solely to transport gases used for medical purposes.

(2) An individual who holds a current Plumbing Inspector License with a current Water Supply Protection Specialist Endorsement may perform inspections of plumbing work associated with the treatment, use and distribution of rainwater to supply a plumbing fixture, appliance, or irrigation system.

(3) An individual who holds a current Plumbing Inspector License with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement may perform inspections of multipurpose residential fire protection sprinkler systems installed in a one or two-family dwelling.

(f) An individual who holds a current Journeyman or Master Plumber License with a current Medical Gas Piping Installation Endorsement may install piping that is used solely to transport gases used for medical purposes:

(1) under the supervision of a RMP who holds a current Medical Gas Piping Installation Endorsement; and

(2) only under contracts or agreements to perform medical gas piping installations secured by a RMP who holds a current Medical Gas Piping Installation Endorsement or a person who has secured the services of a RMP [in accordance with §367.3(a)(2) of the Board Rules,] who holds a current Medical Gas Piping Installation Endorsement.



(g) An individual who holds a current Journeyman or Master Plumber License with a current Water Supply Protection Specialist Endorsement may:

(1) perform Customer Service Inspections pursuant to 30 Texas Administrative Code [Tex. Admin. Code] §290.46(j). Minimum Acceptable Operating Practices for Public Drinking Water Systems; or

(2) install, service or repair plumbing associated with the treatment, use and distribution of rainwater to supply a plumbing fixture, appliance, or irrigation system:

(A) under the supervision of a RMP who holds a current Water Supply Protection Specialist Endorsement; and

(B) only under contracts or agreements to perform, install, service, and repair plumbing associated with the use and distribution of rainwater to supply a plumbing fixture, appliance, or irrigation system secured by a RMP who holds a current Water Supply Protection Specialist Endorsement or a person who has secured the services of a RMP, in accordance with [§367.3(a)(2) of the] Board Rules, who holds a current Water Supply Protection Specialist Endorsement.

(3) A Water Supply Protection Specialist Endorsement shall not be used in lieu of a Plumbing Inspector License to perform plumbing inspections. [required under §1301.255 and §1301.551 of the Plumbing License Law; however, a] A Plumbing Inspector may perform a Customer Service Inspection [the inspection described in paragraph (1) of this subsection] even if the individual does not hold a Water Supply Protection Specialist Endorsement.

(h) An individual who holds a current Journeyman or Master Plumber License with a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement may install a multipurpose residential fire protection sprinkler system in a one or two-family dwelling:

(1) under the supervision of a RMP who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement; and

(2) only under contracts or agreements to perform multipurpose residential fire protection sprinkler system installations secured by a RMP who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement or a person who has secured the services of a RMP[, in accordance with §367.3(a)(2) of the Board Rules,] who holds a current Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement.

(i) An individual who holds a current Plumber's Apprentice Registration may assist a licensee with the installation of plumbing:

(1) under the direct supervision of a person licensed by the Board;

(2) under the supervision of a RMP; and

(3) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP.

(j) [In addition to the scope of work described in subsection (i) of this section, a] An individual who holds a current Plumber's Apprentice Registration and a current Residential Utilities Installer Registration may construct and install only yard water service piping and building sewers for one or two-family dwellings:

(1) under the supervision of a RMP; and

(2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP. [in accordance with §367.3(a)(2) of the Board Rules.]

(k) [In addition to the scope of work described in subsection (d) or (i) of this section, an] An individual who holds a current Tradesman Plumber-Limited License or Plumber's Apprentice Registration and a current Drain Cleaner Registration may install cleanouts and remove and reset p-traps for the purposes of eliminating obstructions in building drains and sewers:

(1) under the supervision of a RMP; and

(2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP [in accordance with §367.3(a)(2) of the Board Rules.]

(l) [In addition to the work described in subsection (i) of this section, an] An individual who holds a current Plumber's Apprentice Registration and a current Drain Cleaner-Restricted Registration may clear obstructions in sewer and drain lines through any existing code-approved opening:

(1) under the supervision of a RMP; and

(2) only under contracts or agreements to perform plumbing work secured by a RMP or a person who has secured the services of a RMP [in accordance with §367.3(a)(2) of the Board Rules].

#### §365.5. *Renewal of License, Registration or Endorsement.*

(a) [To maintain continuous licensure, registration or endorsement, a person must complete an annual renewal application form, pay the required fee(s) and submit proof of completion of the required number of continuing education hours, if a licensee or endorsement holder, or training hours, if a registrant, by the licensee, registrant or endorsement holder's annual expiration date.] Before the expiration of a license, registration, or endorsement, a holder must:

(1) submit a completed renewal application form;

(2) obtain the required number of continuing education hours and/or training; and

(3) pay the required fee(s).

(b) Renewal application forms not completed by the licensee, registrant or endorsement holder's annual expiration date are considered late and are subject to late fees.

(c) Late renewal applications will have an unlicensed period from the expiration date of the previous license, registration or endorsement to the issuance date of the renewed license, registration or endorsement. Plumbing work that requires a license, registration or endorsement issued under this chapter shall not be performed during the unlicensed period.

#### §365.7. *Duplicate Pocket Card.*

(a) The Board shall issue a duplicate pocket card to replace any pocket card that is lost, destroyed, or mutilated.

(b) The licensee or registrant requesting the duplicate pocket card shall submit to the Board:

(1) an application for the duplicate stating the reasons for the request; and

(2) the required fee [pursuant to §361.6(4)(C) of the Board Rules].

#### §365.8. *Change of Name, Address, or Employment.*

(a) A licensee or registrant shall notify the Board in writing of any legal name change, or change of physical or email address, not later than thirty (30) days after the change becomes final. [After receiving notification of a change of name, along with the required fee, the Board shall update its records and issue a new pocket card reflecting the change.]

(b) A Plumbing Inspector shall notify the Board in writing of each political subdivision the Plumbing Inspector is employed by, or has contracted with, for the purposes of performing plumbing inspections and any changes in contract or employment status within thirty (30) days of status change. The written confirmation of contract or employment must be provided by an authorized representative of each political subdivision.

(c) A licensee or registrant shall notify the Board in writing of any change to his or her primary place of employment upon renewal of his or her license or registration.

~~(d) A licensee or registrant shall notify the Board of a change of mailing address as soon as practicable and no more than thirty (30) days after the change becomes final.~~

§365.14. Continuing Professional Education and Training Requirements. [Course Year for Continuing Professional Education and Training Programs]

(a) A licensee, drain cleaner registrant, drain cleaner-restricted registrant, residential utilities installer registrant or endorsement holder has twelve (12) months to obtain at least six (6) hours of continuing education or training required for a timely annual renewal.

(b) A person whose license, drain cleaner registration, drain cleaner-restricted registration, residential utilities installer registration or endorsement has been expired for less than two (2) years must complete at least six (6) hours of continuing education or training for each year the license, drain cleaner registration, drain cleaner-restricted registration, residential utilities installer registration or endorsement was expired.

(c) Continuing education and training program courses may be taken in person, via correspondence course or virtually by means of telecommunications equipment, as applicable.

§365.15. Curriculum Minimum Standards.

(a) Curriculum must:

(1) directly relate to the technical, legal or ethical aspects of plumbing, including grounds for discipline and professional responsibility;

(2) keep licensees, registrants and endorsement holders informed of innovations, best practices and significant developments affecting the plumbing profession;

(3) be tailored to registrants, if for use in a training program;

(4) be tailored to licensees and endorsement holders, if for use in a continuing education course;

(5) be structured to engage students by allowing them the opportunity to apply the content and skills being taught;

(6) be based on the Plumbing License Law and Board Rules in effect at the time of approval;

(7) be based on the currently adopted plumbing code(s) in effect at the time of approval or later edition(s);

(8) be based on current Occupational Safety and Health Administration (OSHA) regulations in effect at the time of approval;

(9) meet or exceed the water saving performance standards in Section 372.002 of the Texas Health and Safety Code in effect at the time of approval;

(10) meet or exceed the energy efficiency performance standards in Section 388.003 of the Texas Health and Safety Code in effect at the time of approval; and

(11) be comprehensive enough to support a course or training at least one (1) hour in length.

~~(b) [A person who desires to be a Publisher of Course Materials shall electronically submit a draft version of all the course materials it plans to utilize, a complete application and an application fee.]~~

~~(e) The Executive Director will approve continuing professional education and training courses and associated [course] materials [for the renewal of a License or Endorsement under §1301.404 of the Plumbing License Law and training programs and associated materials required for the renewal of a Drain Cleaner, Drain Cleaner-Restricted or Residential Utilities Installer Registration under §1301.405 of the Plumbing License Law] that meet the minimum curriculum standards.~~

~~(c) [(d)] Course materials are valid for two (2) years from their stated effective date or the date they are approved, whichever is later.~~

~~(d) [(e)] The following curriculum is approved for continuing education and training credit without the need for an individual or organization to submit any type of application or application fee:~~

(1) Occupational Safety and Health Administration (OSHA) Outreach Training Program's 10 or 30 hour Construction Card course;

(2) Occupational Safety and Health Administration (OSHA) Outreach Training Program's 7.5 or 15 hour Disaster Site Worker Card course;

(3) Occupational Safety and Health Administration (OSHA) Outreach Training Program's Occupational Safety and Health Standards for the Construction Industry course (#510);

(4) Occupational Safety and Health Administration (OSHA) Outreach Training Program's Excavation, Trenching and Soil Mechanics course (#3015);

(5) Occupational Safety and Health Administration (OSHA) Outreach Training Program's Introduction to OSHA for Small Businesses (#7510);

(6) American Red Cross Cardiopulmonary Resuscitation (CPR) certification course;

(7) American Red Cross Automated External Defibrillator (AED) certification course;

(8) American Red Cross First Aid certification course;

(9) NFPA 99, Medical Gas Systems (2021): [Online] Training Preparation for ASSE Series 6000 certification and recertification courses; and

(10) ASSE Series 12000 certification and recertification courses in Infection Control.

~~(e) [(f)] It is the responsibility of licensees, registrants and endorsement holders to ensure that they are taking a bona fide course through these organizations taught by instructors authorized by these organizations and to submit an official certificate of completion or similar documentation to the Board in order to receive credit.~~

§365.19. Course and Training Providers [of Continuing Professional Education Programs].

(a) A [Board-approved] Course Provider may offer a [CPE] course or training program required for the renewal of a license, endorsement or registration. [A Course Provider may not offer a correspondence course during the CPE course year that begins on July 1st of the calendar year in which the provider is first approved by the Board.]

(b) A Course Provider shall only allow [Board-approved] approved Course Instructors to teach the [CPE] courses and training

programs it offers. [A Course Provider shall notify the Board as soon as practicable, and no later than five (5) days, after any change in an instructor's employment status with the Course Provider.]

(c) A Course Provider shall present courses and training programs in segments that are at least one (1) hour in length. [a CPE course in one of the following formats:]

[(1) a single day consisting of six (6) clock hours of instruction in the classroom;]

[(2) two (2) days that fall within the same seven (7) day period, each consisting of three (3) clock hours of instruction in the classroom; or]

[(3) a Board-approved correspondence format.]

[(d) A Course Provider shall not count time allotted for breaks toward the six (6) clock hours of instruction required by subsection (c) of this section.]

[(e) A Course Provider shall spend a minimum of three (3) clock hours covering the subjects of health protection, energy conservation and water conservation.]

[(1) All instruction provided shall be based on the course materials described in §365.15 of this chapter and any other materials approved by the Board.]

[(2) In addition to the course materials, Course Providers may utilize videos, films, slides or other appropriate types of illustrations and graphic materials so long as they relate to a subject covered by the course materials.]

[(f) A Course Provider shall limit the number of students for any CPE course to forty-five (45). A Course Provider may allow a Course Instructor to admit four (4) additional students, for a maximum of forty-nine (49), regardless of when the students apply for admittance, if the additional students:]

[(1) are currently on active duty as members of the United States Armed Forces, a reserve component of the United States Armed Forces or the state military forces; and]

[(2) present valid identification to the Course Instructor confirming the active duty status required by paragraph (1) of this subsection.]

[(g) In addition to the price to be charged a licensee or registrant enrolled in a course offered by the provider, a Course Provider that is not also a Publisher of Course Materials may impose a fee for the course materials that is less than or equal to the cost it incurs to purchase the materials from a Board-approved publisher.]

(d) [(h)] A Course Provider shall not advertise or promote the sale of any goods, products or services during the instructional portion of a CPE course, or allow a third party to advertise or promote the sale of any goods, products or services during the instructional portion of a [CPE] course or training program. A Course Provider may incorporate materials or presentations by a manufacturing representative into their courses; however, those presentations may not contain gratuitous advertising as only educational and informative portions of the presentation will be counted towards the number of credit hour(s) given.

[(1) If a Provider allows a third party access to its students before or after class, or during a break, the third party shall not expend more than ten dollars (\$10) per student in connection with any food, drink, or promotional item provided to the students.]

[(2) A Provider may not allow two or more third party vendors to provide food or drink at a single CPE course.]

(e) [(i)] At least seven (7) days before conducting a course, a Course Provider shall give notice to the Board via electronic mail of its intent to conduct the course or post notice of the course schedule on the Course Provider's website.

[(1) ] The notice shall contain the time(s) and place(s) where the course(s) will occur and the name of the Course Instructor scheduled to teach each course.

[(2) A Course Provider shall give notice even if attendance at a course is limited to a specific group or organization.]

[(3) A Course Provider that schedules two (2) or more courses on the same date and time shall hold each course at a separate location or in separate spaces within the same location.]

(f) [(j)] A Course Provider shall establish a system that allows it to receive immediate notification from a Course Instructor in the event the Course Instructor is unable to provide instruction for a scheduled course.

[(1) A Course Provider shall provide a substitute Course Instructor in order to avoid cancelling the scheduled course.]

(g) [(2)] If cancellation of the course is unavoidable, the Course Provider shall:

(1) [(A)] immediately notify each student affected by the cancellation;

(2) [(B)] offer to refund/or reschedule the cancelled course [as soon as possible]; and

(3) [(C)] notify the Board of the cancellation within forty-eight (48) hours.

(h) [(k)] A Course Provider shall furnish a certificate of completion of CPE to each licensee, endorsement holder, and registrant who completes a [CPE] course or training program it offers.

(1) The certificate of completion shall state:

(A) the name of the Course Provider and Course Instructor;

(B) the name and license or registration number of the student;

[(C) ][the course year;] and

(C) [(D)] the date the instruction was completed.

(2) Within [forty-eight (48) hours] three (3) business days of issuing a certificate of completion, a Course Provider shall[, at its own expense and in a format approved by the Board,] electronically submit certification of each student's completion of any CPE requirements.

[(A) The Board may provide training to the Course Provider in the submission method selected, including the use of any computer software.]

[(B) The Board may charge a fee to recover its costs for computer software used to facilitate the submission and training in the use of the software to the Course Provider.]

[(1) At least once per CPE course year, a Course Provider shall perform self-monitoring of each of its Course Instructors to ensure compliance with the Plumbing License Law, Board Rules, and any reporting requirements adopted by the Board.]

[(m) A Course Provider shall submit a report detailing its implementation of the strategic plan required by §365.16(c)(4) of this chapter to the Board as follows:]

{(1) A Course Provider receiving Board approval for the first time shall submit quarterly reports no later than March 15th, June 15th, September 15th and December 15th of the calendar year in which it received approval.}

{(2) A Course Provider that is re-approved shall submit a report no later than September 15th of the calendar year in which it was re-approved; the report shall cover the implementation for the preceding CPE course year.}

{(3) The requirements of this subsection and §365.16(e)(4) of this chapter do not apply to a Course Provider that:}

{(A) is a business that offers CPE courses to its employees only, and not to the general public; or}

{(B) is an individual who will not employ a Course Instructor other than himself or herself.}

{(n) The Board shall annually monitor each approved Course Provider to ensure the quality of the instruction provided and the equitable provision of course across the state of Texas.}

{(1) To assist with this task, the Board may post a survey on its website that allows licensees and registrants who have completed a CPE course to provide feedback about a Course Provider or Instructor.}

{(2) If a Course Provider administers student surveys, the Board may request a copy of the completed surveys to assist with this task. A Course Provider shall maintain a paper or electronic copy of each completed student survey for at least two (2) years after the survey was administered.}

{(o) A Course Provider's failure to comply with this section constitutes grounds for disciplinary action against the provider, including revocation of authority to provide CPE courses, or the denial of future applications for approval as a Course Provider. The Board shall investigate a complaint against a Course Provider in the same manner it investigates complaints against licensees and registrants.}

§365.20. Course Instructors for Continuing Professional Education and Training Programs.

(a) A Course Instructor must [shall:}

{(1) Hold [hold] a current Journeyman, Master Plumber or Plumbing Inspector License issued by the Board that is in good standing in order to teach general continuing education or training programs.[:}

{(2) successfully complete a Course Instructor Certification Workshop conducted by the Board; and}

{(3) successfully complete training in the course materials required by §365.18(e) of this chapter.}

(b) A Course Instructor must:

(1) hold a current medical gas piping endorsement issued by the Board that is in good standing in order to teach continuing education or training programs on:

(A) how to install pipe to transport gas for medical purposes;

(B) how to install a vacuum used for medical purposes;

(C) how to inspect medical gas piping installations;

(D) how to verify medical gas and vacuum piping integrity; and

(E) material from NFPA 99; Health Care Facilities Code.

(2) hold a current multipurpose residential fire protection sprinkler specialist endorsement issued by the Board that is in good standing in order to teach continuing education or training programs on:

(A) how to design, install or inspect a multipurpose residential fire protection sprinkler system; or

(B) material from NFPA 13; Standard for the Installation of Sprinkler Systems,

(3) hold a current water supply protection specialist endorsement issued by the Board that is in good standing in order to teach continuing education or training programs on:

(A) how to perform Texas Commission on Environmental Quality (TCEQ) customer service inspections to identify potential contaminant hazards, and illegal lead materials, and to prevent cross-connections;

(B) how to install, service and repair plumbing associated with the treatment, use and distribution of rainwater to supply a plumbing fixture or appliance;

(C) material from American National Standard Institute/NSF International Standard 60 for Drinking Water Treatment Chemicals; and

(D) material from American National Standards Institute/NSF International Standard 61 for Drinking Water System Components.

{(b) In addition to the training required in subsection (a) of this section, a Course, Instructor shall attend a Board-approved training program consisting of a total of 160 hours.}

{(1) The program shall be presented in four (4) units as follows:}

{(A) forty (40) hours covering the basic educational techniques and instructional strategies necessary to plan and conduct effective training programs;}

{(B) forty (40) hours covering the basic techniques and strategies necessary to analyze, select, develop, and organize instructional material for effective training programs;}

{(C) forty (40) hours covering the basic principles, techniques, theories, and strategies for establishing and maintaining effective relationships with students, co-workers, and other personnel in the classroom, industry, and community; and}

{(D) forty (40) hours covering the basic principles, techniques, theories, and strategies for communicating effectively using instructional media.}

{(2) A Course Instructor shall complete one of the units described in paragraph (1) of this subsection every twelve (12) months such that all four (4) units (160 hours) are completed within a four-year period.}

(c) The Executive Director will approve an instructor to teach continuing education or training programs who meets the minimum qualifications, submits a complete application and pays the required application fee. [A Course Instructor shall not advertise or promote the sale of goods, products, or services in his or her capacity as a Course Instructor.]

(d) A Course Instructor must [shall] comply with the Plumbing License Law and Board Rules, including the standards of conduct for licensees and registrants. [set forth in §367.2 of the Board Rules.]

~~[(1) In addition, a Course Instructor has a responsibility to his or her students and employer to:]~~

~~[(A) be well-versed in and knowledgeable of the course materials and ensure that classroom presentations are based only on the course materials and other materials approved by the Board;]~~

~~[(B) maintain an orderly and professional classroom environment;]~~

~~[(C) ensure that only students who receive the required number of clock hours of instruction (excluding any time spent on breaks from instruction) receive credit for attending a CPE course;]~~

~~[(D) notify the Course Provider immediately, if the Course Instructor is unable to provide instruction for a CPE course that the instructor was scheduled to instruct, to allow the Course Provider to make every effort to provide a substitute Course Instructor to avoid cancelling the course; and]~~

~~[(E) coordinate with the Course Provider to develop an appropriate method for handling disorderly and disruptive students.]~~

~~[(2) A Course Instructor shall report to the Course Provider and the Board, any non-responsive or disruptive student who attends a CPE course. The Board may deny CPE credit to any such student and require, at the student's expense, successful completion of an additional CPE course to receive credit.]~~

~~(e) A Course Instructor has a responsibility to teach approved material that meets curriculum standards and to report students' successfully completed hours no later than three (3) business days after the course ends.~~

~~(f) [(e)] The Board [shall] will randomly monitor Course Instructors for quality of instruction and compliance with the [PLL] Plumbing License Law and Board Rules. [The Board will charge a fee to recover its costs for conducting the workshop required by subsection (a)(2) of this section.]~~

~~[(f) A Course Instructor's failure to comply with this section constitutes grounds for disciplinary action against the instructor, including revocation of approval to instruct CPE courses, or the denial of future applications for approval as a Course Instructor. The Board shall investigate a complaint against a Course Instructor in the same manner it investigates complaints against licensees and registrants.]~~

~~[(g) At the beginning of each CPE course, the Course Instructor shall announce where the notice informing the students of the contents of subsections (d) - (f) of this section can be found in the course materials.]~~

§365.21. Continuing Professional Education and Training Programs for the Medical Gas Piping Installation Endorsement.

(a) A licensed Journeyman Plumber, Master Plumber or Plumbing Inspector who also holds a Medical Gas Piping Installation Endorsement shall complete a minimum of two (2) hours of CPE or demonstrate successful completion of a national certification before he or she may renew his or her endorsement. A licensee may not use a single medical gas CPE course to fulfill the continuing education requirement for more than one renewal period.

(b) A medical gas CPE course shall be based on the most current edition of the National Fire Protection Association 99 Health Care Facilities Code (NFPA 99) and include comprehensive instruction on any updates to or changes from the previous edition of the code.

(c) The course materials for a medical gas [CPE] course shall include an authorized [either a softbound] copy of the current edition of the NFPA 99 or an authorized [a hardbound] copy of the NFPA 99 Handbook, a 50-question exercise covering the most-recent changes

and updates to the NFPA 99 and the fundamentals of medical gas piping installation, [; and a notice informing students of the provisions contained in §365.20(d) - (f) of this chapter.]

(1) The course materials shall not advertise or promote the sale of goods, products or services.

(2) A Course Provider or Course Instructor shall not offer to buy back used course materials from a student or offer any other incentive intended to persuade the student not to retain the course materials.

(3) [In addition to the fee charged for a medical gas CPE course, a Course Provider may charge students a fee for the course materials that is less than or equal to the cost it incurs to purchase the materials from the NFPA.]

[(4)] A Course Provider shall not require a student to purchase a [softbound] copy of the current edition of the NFPA 99 or [a hardbound copy of] the NFPA 99 Handbook if the student has previously completed a medical gas CPE course with the same provider that utilized the same course materials. As a substitute, the Course Provider may use any written material designed to supplement the NFPA 99 or the handbook.

(d) Only an individual, business or association approved as a Course Provider [in accordance with §365.16 of this chapter] may provide a medical gas CPE course. [A Course Provider offering a medical gas CPE course is subject to all of the provisions of §365.19 of this chapter except subsections (e) and (e).]

(e) A licensed Journeyman Plumber, Master Plumber or Plumbing Inspector may teach a medical gas CPE course if the licensee:

(1) holds a current Medical Gas Piping Installation Endorsement; and

(2) is approved as a Course Instructor [in accordance with §365.17 of this chapter].

(f) A Course Provider shall present a medical gas CPE course in a single day consisting of at least two (2) clock hours of instruction in the classroom.

§365.22. Licensing Procedures for Military Service Members, Military Veterans and Military Spouses.

(a) Military service members, military veterans and military spouses who held a license issued by the Texas State Board of Plumbing Examiners in the five years preceding their application date will be issued the same license type as that which was previously held.

[(a) The Board may issue an initial license or registration to an applicant who is a military spouse and holds a current license issued by another state that has licensing requirements that are substantially equivalent to the requirements for the license or registration.]

(b) Military service members, military veterans and military spouses who hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirement for the license in this state will be issued the same license type as that which is held in the other jurisdiction.

[(b) The Board may reinstate the license or registration of an applicant who is a military spouse if the license or registration was current at some point during the five (5) years preceding the date the application is submitted.]

(c) The Board will identify which out-of-state licenses held by military service members, military veterans and military spouses have substantially equivalent licensing requirements on a case-by-case basis

by comparing the out-of-state jurisdiction's requirements at the time the out-of-state license was issued to the Board's current requirements.

{(e) After reviewing the credentials of an applicant who meets the criteria set forth in subsections (a) or (b) of this section, the Executive Director may waive any prerequisite for obtaining a license or registration. The Executive Director may also waive a prerequisite if the applicant holds a current license issued by another jurisdiction that has a reciprocity agreement with Texas for the license.}

(d) Military service members, military veterans and military spouses who do not qualify for a license under Subsection (a) or (b) of this section may request that the Executive Director review the military service member's, military veteran's or military spouse's alternative credentials, including training, education and experience for the purposes of granting prerequisites to obtaining a license.

{(d) In addition to any required application(s), an individual who meets the criteria set forth in subsection (a) or (b) of this section, must submit proof that his or her spouse is currently serving on active duty.}

{(e) In lieu of the standard method(s) of demonstrating competency for a particular license, and based on the applicant's circumstances, the Board may use alternative methods when reviewing an application submitted by an individual who meets that criteria set forth in subsection (a) or (b) of this section. The alternative method(s) may take into consideration any combination of the following:}

{(1) education;}

{(2) continuing education;}

{(3) examinations (written and/or practical);}

{(4) letters of good standing;}

{(5) letters of recommendation;}

{(6) work experience; or}

{(7) other relevant information approved by the Executive Director.}

{(f) Any information requested in connection with an application reviewed using the method described in subsection (e) of this section shall be submitted in a form and manner prescribed by the Board.}

(c) [(g)] The Board shall process an application submitted by a military service member, military veteran, or military spouse [an individual who meets the criteria in subsection (a) or (b) of this section and issue the corresponding license or registration] as soon as practicable. Applicants deemed qualified will be issued a license and information on the requirements to renew the license in 12 months.

(f) Licensing and examination fees payable to the Board are waived for military service members, military veterans and military spouses as provided by Chapter 55 of the Texas Occupations Code. Late fees incurred while on active duty are waived for military service members.

(g) Military spouses who do not wish to obtain a Texas plumbing license may apply, at no cost, for their out-of-state license to be recognized instead by submitting:

(1) proof of Texas residency, including, but not limited to, a copy of the permanent change of state order for the military service member to whom the spouse is married;

(2) a copy of the spouse's military identification card; and

(3) a copy of the out-of-state license showing that it is current and in good standing at the same time of their application.

(h) A military spouse's application for out-of-state recognition will be presumed to show their intent to practice in Texas.

(i) If the Board determines that the jurisdiction where the military spouse is currently licensed has licensing requirements that are substantially equivalent to the requirements for a Texas license as provided for by Subsection (c) of this section, then the military spouse may engage in plumbing in Texas for a maximum of three (3) years from the date of recognition without a Texas license.

(j) Military spouses approved to use their out-of-state license to engage in plumbing in Texas pursuant to Section 55.0041 of the Texas Occupations Code must comply with Chapter 1301 of the Texas Occupations Code and all other applicable laws and regulations.

(k) Military service members and military veterans who do not hold a current out-of-state license or who have not held a Texas license in the five (5) years preceding their application may have their military experience credited toward license eligibility and apprenticeship requirements by submitting evidence of:

(1) verified military service (DD Form 214 or equivalent);

(2) training in plumbing or a related field; and

(3) education in plumbing or a related field.

(l) Military service members and military veterans who do not hold a current out-of-state license or who have not held a Texas license in the five (5) years preceding their application must not have a restricted license in another jurisdiction or an unacceptable criminal history to be eligible to sit for an examination for licensure.

§365.23. *Transfer of License.*

{(a) The Board may only transfer an unexpired license that is issued under the Plumbing License Law and has been held continuously for at least fifty (50) consecutive years.}

{(b)} The Board shall transfer a license to a person who:

(1) meets the requirements set forth in [§1301.406(a) of] the Plumbing License Law; and

(2) submits the following:

(A) [an] the required application [that complies with §1301.406(b) of the Plumbing License law];

(B) the [non-refundable application] required fee [set forth in §361.6(a)(4)(F) of the Board Rules]; and

(C) a notarized Transfer of License Affidavit that is signed by the transferor or a valid will executed by the transferor.

{(e) A transfer under this section may not take place before the date of the transferor's retirement or death.}

§365.24. *Continuing Education and Training Exemptions.*

The [Board finds that it is in the public interest to exempt from annual] following are exempt from Continuing Professional Education and Training requirements:

(1) a military service member on active duty who submits documentation establishing active duty status during the period in which the military service member is claiming an exemption;

(2) a Board employee who reviews submitted course materials to determine if the materials meet the minimum standards for curriculum or who monitors courses to ensure compliance with the plumbing license law and Board rules; and

(3) a course instructor approved [by the Board] for the period in which they are claiming an exemption.