

248 CMR: BOARD OF STATE EXAMINERS  
OF PLUMBERS AND GAS FITTERS

248 CMR 3.00: GENERAL PROVISIONS GOVERNING THE CONDUCT OF PLUMBING AND  
GAS FITTING WORK PERFORMED IN THE COMMONWEALTH

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3.01: Scope and Application

(1) Scope. The provisions of 248 CMR 3.00 govern the administrative requirements regarding the installation, removal, alteration, repair, and inspection of all plumbing and gas fitting work pursuant to M.G.L. c. 142, §§ 13 and 21. 248 CMR 3.00 also governs the administrative functions of the Board in sanctioning Licensees who engage in the installation, alteration, repair and inspection of plumbing and gas fitting work pursuant to M.G.L. c. 142, §§ 13 and 21, and M.G.L. c. 112, § 61.

(2) Sections Declared Independent. Each Section of 248 CMR 3.00 through 11.00 and every part of each Section is hereby declared to be an independent Section and the holding of any Section or part of Section to be void and ineffective for any cause shall not be deemed to affect any other Section or part of Sections.

3.02: Definitions

For the purpose of 248 CMR 3.00 through 11.00 the following terms shall have the meanings indicated in 248 CMR 3.02. No attempt is made to define ordinary words that are used in accordance with their established dictionary meaning except where it is necessary to define their meaning to avoid misunderstanding. Definitions in M.G.L. c. 142 are not repeated here unless further clarity is required.

Apprentice Gas Fitter. A person not less than 16 years of age who is licensed by the Board and learning and working at the business of gas fitting under the direct supervision of a master gas fitter or journeyman gas fitter while in the employ of a master gas fitter.

Apprentice Plumber. A person not less than 16 years of age who is licensed by the Board and learning and working at the business of plumbing under the direct supervision of a master plumber or journeyman plumber while in the employ of a master plumber.

Board. State Board of Examiners of Plumbers and Gas Fitters as established in M.G.L. c. 13, § 36 and defined as the Examiners in M.G.L. c. 142, § 1.

Code. 248 CMR 3.00 through 11.00, subsequent amendments thereto, or and any emergency rule or regulation that the Board promulgates.

Direct Supervision. Supervision that is on-site and present during the conducted work.

Executive Director. The Executive Secretary of the Board as provided for in M.G.L. c. 13, § 36.

Generally Accepted Standard. A specification, code, rule, guide, or procedure recognized and accepted throughout the plumbing and gas fitting profession as authoritative.

Inspector. Either the Local Inspector or the State Inspector, as determined in 248 CMR 3.05(1)(a), who is responsible for granting or denying Permit applications and performing Inspections of plumbing and/or gas fitting work.

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INSPECTION THE INSPECTOR'S ACT OF REVIEWING PLUMBING OR GAS FITTING WORK FOR COMPLIANCE WITH THE PROVISIONS OF 248 CMR.

LICENSEE A PERSON DULY HOLDING A LICENSE ISSUED BY THE BOARD.

LOCAL INSPECTOR. THE INSPECTOR OF PLUMBING AND GAS FITTING WHO IS APPOINTED BY THE INSPECTOR, BOARD OF HEALTH, OR MAYOR OF EACH CITY AND TOWN IN THE COMMONWEALTH OF MASSACHUSETTS, M.G.L. C. 142, §§ 11 AND 12 AND WHO ADMINISTERS AND ENFORCES THE PROVISIONS OF 248 CMR 3.00 THROUGH 10.00. FOR PURPOSES OF 248 CMR 3.00, ASSISTANT, ALTERNATE, OR DEPUTY INSPECTORS SHALL ALSO BE DEEMED LOCAL INSPECTORS.

PERMIT A WRITTEN NOTICE THAT THE INSPECTOR GRANTS TO A PLUMBER OR GAS FITTER TO INSTALL OR REPAIR ON A GIVEN INSTALLATION. THE PERMIT MAY CONTAIN LIMITATIONS AND CONDITIONS ON THE WORK TO BE PERFORMED. THE UNIFORM PERMIT APPLICATION FORM APPROVED BY THE BOARD MAY BE USED FOR ANY PERMIT AFTER ISSUANCE BY THE INSPECTOR.

PERMIT HOLDER. A NON-APPRENTICE LICENSEE WHO HAS SIGNED THE UNIFORM APPLICATION FORM AND IS AUTHORIZED TO BE GRANTED A PERMIT UNDER 248 CMR AND WHO HAS RECEIVED A PERMIT FROM THE INSPECTOR.

PRINCIPAL A LICENSED MASTER PLUMBER OR MASTER GAS FITTER WHO IS IN CHARGE OF THE PLUMBING AND/OR GAS-FITTING OPERATIONS OF A BUSINESS ENTITY SUBJECT TO LICENSURE UNDER 248 CMR. FOR PURPOSES OF 248 CMR 3.00, A PRINCIPAL NEED NOT HAVE AN OWNERSHIP INTEREST IN THE BUSINESS ENTITY.

PRODUCT-ACCEPTED (PRODUCT-ACCEPTANCE). A PLUMBING OR GAS FITTING PRODUCT THAT HAS BEEN APPROVED PURSUANT TO 248 CMR 3.00 THROUGH 10.00 BASED ON THE BOARD'S DETERMINATION THAT THE PRODUCT MEETS THE STANDARDS OF 248 CMR 3.00 THROUGH 10.00.

SPECIAL-PERMISSION. EXPLICIT PERMISSION FROM THE BOARD THAT IS REQUIRED BEFORE INSTALLING CERTAIN PRODUCTS, MATERIALS, OR SYSTEMS BECAUSE THE PRODUCT, MATERIAL, OR SYSTEM RAISES SPECIAL SAFETY CONSIDERATIONS.

STATE INSPECTOR. A PERSON EMPLOYED BY THE COMMONWEALTH OF MASSACHUSETTS WHO IS NOT UNDER PROFESSIONAL LICENSURE WHO GRANTS PERMITS AND PERFORMS INSPECTIONS OF THE PLUMBING AND GAS FITTING WORK IN ALL STATE OWNED, USED, LEASED (INCLUDING SUB-LEASED) OR CONSTRUCTED BUILDINGS ARE SUBJECT TO THE PROVISIONS OF M.G.L. C. 142, § 21.

3.03: BUSINESS AND APPRENTICE LICENSES, RENEWAL, AND INSPECTOR REQUIREMENTS

(1) BUSINESS LICENSURE.

(A) LICENSES REQUIRED. ALL CORPORATIONS, LLC'S, PARTNERSHIPS, OR OTHER SUCH BUSINESS ENTITIES SHALL BE PROPERLY CONSTITUTED AND CHARTERED BUSINESS ORGANIZATIONS AS DETERMINED BY THE SECRETARY OF THE COMMONWEALTH, SUCH AS A GENERAL PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP (LLP), LIMITED LIABILITY COMPANY (LLC), CORPORATION, OR PROFESSIONAL CORPORATION (PC). INDIVIDUALS PRACTICING UNDER THEIR OWN NAME SHALL REQUIRE A BUSINESS LICENSE. A BUSINESS LICENSE SHALL BE A CERTIFICATE FORM APPROVED BY THE BOARD. M.G.L. C. 142, § 3B.

(B) EXCEPTIONS. BUSINESSES EMPLOYING LICENSED PLUMBERS OR GAS FITTERS DO NOT REQUIRE A BUSINESS LICENSE IF THEY MEET ONE OF THE FOLLOWING CRITERIA:

1. A NON-PLUMBING/GAS FITTING BUSINESS DOES NOT NEED A BUSINESS LICENSE IF IT EMPLOYES ONE OR MORE LICENSED PLUMBERS OR GAS FITTERS AND THE ONLY WORK PERFORMED IS FOR THE PREMISES OWNED/LEASED AND OPERATED BY THAT NON-PLUMBING/GAS FITTING BUSINESS.
2. BUSINESSES SOLELY ENGAGED IN WORK REGARDING UNDILUTED LIQUEFIED GAS INSTALLATION DO NOT REQUIRE A BUSINESS LICENSE SO LONG AS ALL INDIVIDUALS EMPLOYED HOLD THE PROPER LICENSE.

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- (c) Applications. Applicants for Plumbing or Gas Fitting Business licenses shall meet the following criteria for licensure:
1. submission of an application completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury by a master plumber or master gas fitter, as the case may be, who is a principal of the entity, and accompanied by such other information that the Board may require.
  2. all principals of the entity shall be of good moral character as determined by the Board;
  3. applicants for licensure must pay the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B and 801 CMR 4.00: *Rates*.
  4. Corporations.
    - a. Applications for Plumbing or Gas Fitting Corporations must include a signed and stamped copy of the Articles of Organization. Out of State Corporations must provide a signed and stamped copy of the filed Foreign Corporation Certificate or such other document as required by the Massachusetts Secretary of the Commonwealth.
    - b. The installation of plumbing work for a plumbing corporation, or the installation of gas fitting work for a gas fitting corporation, must be specifically stated and documented as one of the disciplines of the corporation on the Articles of Organization that is submitted.
    - c. The applicant for a plumbing corporation must be a master plumber who is a listed officer of the corporation; the applicant for a gas fitting corporation must be a master gas fitter who is a listed officer of the corporation.
  5. Limited Liability Companies (LLC's).
    - a. Applications for Plumbing or Gas Fitting LLC's must include a signed and stamped copy of the Certificate of Organization. Out of State Corporations must provide a signed and stamped copy of the filed Foreign LLC Certificate or such other document as required by the Massachusetts Secretary of the Commonwealth.
    - b. The installation of plumbing work for a plumbing LLC or gas fitting work for a gas fitting LLC must be specifically stated and documented as one of the disciplines of the LLC on the Certificate of Organization that is submitted.
    - c. The applicant for a plumbing LLC must be a master plumber who is a listed manager of the LLC; the applicant for a gas fitting LLC must be a master gas fitter who is a listed manager of the LLC.
  6. General Partnerships, Limited Partnerships, and Limited Liability Partnerships (LLP's).
    - a. All partners in a general partnership, limited partnership, or LLP shall possess current Master Plumber or Master Gas Fitter licenses.
    - b. In the case of a general partnership, applicants must include with their application a notarized written agreement signed by all partners creating the general partnership.
    - c. In the case of a Limited Partnership or LLP, Applicants must include a signed and stamped copy of the partnership certificate filed with the Massachusetts Secretary of the Commonwealth.
- (d) Responsibilities and Duties of the Licensee of Record for Business Licenses.
1. All business licenses are issued to the applicant for licensure who is a master plumber or master gas fitter. Business licenses are not transferable.
  2. Once licensed, the master plumber or master gas fitter who is considered the licensee on record for the business is required to ensure that:
    - a. all plumbing and gas fitting work performed by the business is accomplished by individuals with valid, current licenses; and
    - b. all licensees comply with the requirements of 248 CMR 3.00 through 11.00.
- (e) Changes in the Licensee of Record for Businesses Licensed by the Board.
1. Routine Changes and Expiration of the Licensee of Record's License.
    - a. To withdraw as licensee of record from a business, a licensee must immediately notify the Board in writing and return all business licenses.

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b. So long as all other individuals performing plumbing or gas fitting for the business are validly licensed, the business may continue operating so long as a new application for a business license is filed by a licensed master plumber or gas fitter, as the case may be, within 15 days of the withdrawal of the licensee of record. The business may not continue to operate after 60 days or if the Board denies this application, whichever comes first.

c. In the event the qualifying officer's master license expires, the business may treat the expiration date as the equivalent of the date of withdrawal of the licensee of record from the business, however, any work performed by the master licensee with an expired license may lead to such disciplinary action as allowed by law.

2. Discipline Against the Licensee of Record.

a. Any discipline against a licensee of record shall be considered discipline against the business, discipline against the business shall likewise apply against the licensee of record.

b. Should the license of the licensee of record be suspended or revoked, the business may not operate in the plumbing or gas fitting industry until such time as the suspension or revocation is lifted or a new license is granted by the Board by application of a new licensee of record.

3. Death of the Licensee of Record.

a. In the event its licensee of record dies, a business must notify the Board in writing of said death within 15 days.

b. So long as all other individuals performing plumbing or gas fitting of the business are validly licensed, the business may continue operating for 60 days. For good cause shown, the Board may extend this period.

(2) Apprentices.

(a) General Provisions.

1. No person shall work as an Apprentice unless he or she has been issued a license by the Board. Applicants for the Apprentice license must:

a. in conjunction with his or her employing master, complete an Apprentice registration form; and

b. submit the required fee and registration form to the Board.

2. The Apprentice license shall be exhibited whenever required by an Inspector.

3. The Apprentice and the employing Master Plumber or Master Gas Fitter shall be jointly responsible for completing the Apprentice registration form.

4. No Apprentice shall solicit by sign, listing or any other form of advertisement, work regulated or controlled by 248 CMR or M.G.L. c. 142.

5. Individuals learning the practice of undiluted liquefied petroleum gas installation pursuant to 248 CMR 11.00: *Education and Experience Standards and Requirements for Licensure* under the direct supervision of a properly licensed individual do not require an apprentice license.

6. Apprentices must retain all W-2 records demonstrating their employment throughout their apprenticeship as well as for a period of at least seven years after obtaining a journeyman license.

(b) Master's Duties Regarding Apprentice Licensure.

1. Before a prospective Apprentice begins employment as an Apprentice gas fitter or Apprentice plumber with a Master Plumber or Master Gas Fitter, the employing Master Plumber or Master Gas Fitter shall be responsible for insuring that the apprentice has complied with all licensing requirements.

2. The Apprentice license application form shall be signed by the Apprentice and the employing Master Plumber or Master Gas Fitter.

3. The Master Plumber or Master Gas Fitter shall not charge a fee to the Apprentice in relation to the master's completion of the Apprentice license application form.

4. The master and/or licensed business entity must retain payroll records and other employment documentation for all apprentices so employed. These records must be made available to the Board upon request and must be retained by the master for at least seven years after the apprentice ceases employment with the master or such later date as allowed by law.

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5. In the event an apprentice leaves the employment of a master prior to completing their apprenticeship, the master must provide the apprentice a signed statement of experience.
  6. In the event the master separates from a business entity, thus ending a supervisory relationship with an apprentice, the master will be deemed to have satisfied the requirements of 248 CMR 3.03(2)(b)6. if he or she provides the apprentice with a signed statement of experience when leaving the business entity. However, the Board may seek employment records from the business entity as it deems necessary.
- (3) Inspectors.
- (a) No plumber or gas fitter may act as or claim to be a Local Inspector of plumbing or gas fitting unless appointed by a city or town inspector of buildings, board of health, or mayor as described in M.G.L. c. 142, §§ 11 and 11A.
  - (b) Inspector Notification to the Board and Continuing Education.
    1. To ensure compliance with Board enforced statutory mandates, a plumber or gas fitter appointed to be a Local Inspector of plumbing or gas fitting must notify the Board in writing, via completing a Board approved form, within 15 days of appointment. Said form must include:
      - a. The name and license number of the journeyman or master plumber or gas fitter appointed as a Local Inspector;
      - b. The mailing address where the Local Inspector will receive official correspondence related to local inspections; and
      - c. A letter on city or town letterhead certifying the appointment of the Local Inspector. In the event that two or more towns have formed an inspection district pursuant to M.G.L. c. 142, § 10, the Local Inspector must either produce a letter from each town in which he or she would be inspecting or a letter from one town appointing the Local Inspector which states that the town is part of an inspection district and specifies which other towns are a part of said district.
    2. Any Local Inspector who will cease duties as a Local Inspector must notify the Board in writing within 15 days of their final day as an Inspector.
  - (c) Inspector Continuing Education Requirements.
    1. Pursuant to M.G.L. c. 142, § 11B, Inspectors must complete 12 hours of Board approved continuing education each year. This continuing education is separate from continuing education approved by the Board for non-Inspector plumbers and gas fitters as described in 248 CMR 11.00: *Education and Experience Standards and Requirements for Licensure*. Exemptions in 248 CMR 11.00 do not apply for Inspector continuing education.
    2. Inspector continuing education must be approved by the Board and must be completed during the Inspector's personal license renewal cycle. The completion of said continuing education is a condition of being an Inspector and shall also be considered a condition for the renewal of the Inspector's personal license.
    3. Upon appointment, the amount of continuing education that an Inspector must complete may be pro-rated by the Board based upon the time of appointment so long as the Inspector has completed the equivalent amount of continuing education specified in 248 CMR 11.00: *Education and Experience Standards and Requirements for Licensure* for the period of time prior to the Inspector's appointment.
  - (d) The plumbing or gas-fitting license of any Inspector may be subject to disciplinary action for any violations of 248 CMR 3.03. Should the Board suspend or revoke the license of an Inspector, or should the Inspector let his or her plumbing or gas fitting license lapse, that individual may not inspect again unless he or she obtains a valid license issued by the Board.
- (4) Any person licensed by the Board may carry on the work within the scope of their license.
- (5) 248 CMR 3.00, in conjunction with M.G.L. c. 142, shall be deemed to occupy the whole field of the licensing of plumbers, gas fitters, and undiluted liquefied petroleum gas installers in Massachusetts.

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(6) PROCEDURES FOR RENEWAL OF LICENSES.

(A) LICENSEES MUST RENEW THEIR LICENSES EVERY TWO YEARS.

(B) INDIVIDUALS MUST SUBMIT TO THE BOARD, OR ITS AGENT, A COMPLETED WRITTEN RENEWAL APPLICATION AND THE REQUIRED FEES PRIOR TO THE EXPIRATION DATE OF THE LICENSE.

(C) INDIVIDUALS MUST FULFILL AND DOCUMENT, AS SPECIFIED BY THE BOARD, THE REQUIREMENTS FOR THE COMPLETION OF ANY CONTINUING EDUCATION REQUIREMENTS.

(D) EACH LICENSEE SHALL DISCLOSE IN WRITING TO THE BOARD ANY FINDING MADE AGAINST THE LICENSEE MADE BY A COURT, OTHER STATE OR FEDERAL AGENCY OR, WHERE APPLICABLE, BY A COURT IN ANOTHER JURISDICTION WITHIN 15 DAYS OF SAID FINDING. THIS REQUIREMENT SHALL APPLY TO THE DISCLOSURE OF CIVIL TRAFFIC OFFENSES OR DISMISSALS OF ACTIONS BROUGHT BY THE BOARD. THE PROVISION OF SUCH DISCLOSURES SHALL BE CONSIDERED A CONDITION OF LICENSE RENEWAL.

(E) IT SHALL BE THE RESPONSIBILITY OF ALL LICENSEES TO NOTIFY THE BOARD OF ANY CHANGE OF ADDRESS WITHIN 15 DAYS OF RELOCATION. LICENSEES WHO FAIL TO SO NOTIFY THE BOARD SHALL BE SUBJECT TO DISCIPLINARY ACTION AND ARE RESPONSIBLE FOR ANY FAILURE TO RECEIVE CORRESPONDENCE INCLUDING RENEWAL APPLICATIONS.

3.04: PRODUCT, DESIGN, AND TESTING STANDARDS

(1) BOARD REQUIRED PRODUCT-ACCEPTANCE. ONLY PRODUCTS AND MATERIALS THAT HAVE BEEN APPROVED BY THE BOARD AS PRODUCT-ACCEPTED SHALL BE USED FOR PLUMBING AND GAS FITTING WORK IN THE COMMONWEALTH AND GOVERNED BY M.G.L. C. 142 AND 248 CMR. THE BOARD ACCEPTS PRODUCT-ACCEPTANCE TO ENSURE COMPLIANCE WITH M.G.L. C. 142 AND 248 CMR. THE BOARD ADDITIONALLY REQUIRES MANUFACTURERS TO PROVIDE INFORMATION/TESTING TO ENSURE THEIR PRODUCTS MEET THE REQUIREMENTS AND ARE SAFE FOR PUBLIC USE. IN MAKING SUCH ACCEPTANCES, THE BOARD DOES NOT RELIEVE MANUFACTURERS OF THEIR INDEPENDENT OBLIGATIONS TO ONLY SELL PRODUCTS THAT ARE PRODUCT-ACCEPTED.

(A) RECORDS. THE BOARD SHALL MAINTAIN A LIST OF PRODUCT-ACCEPTED MATERIALS OF THE COMMONWEALTH.

(B) PRODUCT-ACCEPTANCE.

1. FOR PRODUCTS NOT ALREADY LISTED AS PRODUCT-ACCEPTED BY THE BOARD, EACH PRODUCT AND MATERIALS AND EQUIPMENT USED IN THE CONSTRUCTION, INSTALLATION, ALTERATION, MAINTENANCE OR REPLACEMENT OF ANY PLUMBING OR GAS FITTING SYSTEM SHALL APPLY TO THE PRODUCT-ACCEPTANCE OF EACH INDIVIDUAL ITEM OR MODEL NUMBER THAT IS TO BE USED FOR INSTALLATION IN THE COMMONWEALTH.

2. SHOULD THE BOARD GRANT PRODUCT-ACCEPTANCE, THE GRANT SHALL BE VALID FOR THE PERIOD AS DESIGNATED BY THE BOARD. THE PRODUCT WILL THEN BE LISTED BY THE BOARD AS PRODUCT-ACCEPTED. ALL PERMANENT PRODUCT-APPROVALS GRANTED IN THE PAST ARE NULL AND VOID.

3. NO PRODUCT THAT IS SUBJECT TO A PRODUCT ACCEPTANCE REQUEST SHALL BE GRANTED PRODUCT-ACCEPTANCE UNTIL THE BOARD HAS VOTED TO GRANT THE PRODUCT-ACCEPTANCE REQUEST.

4. AN APPLICANT FOR A PRODUCT-ACCEPTANCE REQUEST SHALL:

A. PROVIDE A COMPLETED PRODUCT ACCEPTANCE APPLICATION IN COMPLIANCE WITH 248 CMR 3.00;

B. A NON-REFUNDABLE APPLICATION FEE IN THE AMOUNT SET BY THE COMMISSION OF ADMINISTRATION AND FINANCE AND MADE PAYABLE TO THE COMMONWEALTH OF MASSACHUSETTS;

C. AT THE BOARD'S REQUEST, APPEAR AT THE BOARD MEETING WHEREIN THE PRODUCT-ACCEPTANCE APPLICATION IS SCHEDULED TO BE DISCUSSED; AND

D. FULFILL ANY TESTING REQUIREMENTS OR MEET ANY APPLICABLE STANDARDS REQUIRED BY THE BOARD.

5. ALL MODIFICATIONS TO A PREVIOUSLY ACCEPTED PRODUCT(S) OR MATERIALS OR SUBSTANTIVE CHANGES TO INSTALLATION INSTRUCTIONS, SHALL BE RESUBMITTED TO THE BOARD FOR PRODUCT-ACCEPTANCE.

6. AT THE BOARD'S DISCRETION, IF GRANTING AN APPLICANT'S PRODUCT ACCEPTANCE REQUEST, THE BOARD MAY CONVERT SUCH A REQUEST TO A REQUEST FOR A TEST-SITE INSPECTION. 248 CMR 3.00.

7. *In lieu* OF REQUIRING THE RENEWAL OF A PRODUCT'S ACCEPTANCE, THE BOARD MAY REQUIRE APPLICANTS TO CERTIFY THAT:

A. THE PRODUCT AND ITS INSTRUCTIONS HAVE NOT BEEN ALTERED SINCE FIRST GRANTED PRODUCT-ACCEPTANCE BY THE BOARD; AND

B. THE PRODUCT CONTINUES TO MEET THE REQUIREMENTS OF 248 CMR 3.00 THROUGHOUT THE LIFE OF THE PRODUCT.

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(C) BOARD SUSPENSION/RESCISSION OF PRODUCT ACCEPTANCE.

1. BOARD ACCEPTANCE OF A PRODUCT MAY BE WITHDRAWN WHENEVER ANY OF THE FOLLOWING CONDITIONS EXIST:

A. PLUMBING LAWS OR REGULATIONS HAVE CHANGED AFFECTING THE LEGAL USE OF THE PRODUCT;

B. THE PRODUCT HAS BECOME THE SUBJECT OF A RECALL BY THE MANUFACTURER;

C. THE PRODUCT HAS BEEN DEEMED UNSAFE OR DEFECTIVE BY THE CONSUMER PRODUCT SAFETY COMMISSION, A COURT OF COMPETENT JURISDICTION, OR OTHER SUCH AGENCY OPERATING UNDER A STATE OR FEDERAL LAW;

D. THE PRODUCT HAS BEEN MODIFIED WITHOUT BOARD NOTICE AND ACCEPTANCE;

E. THE INSTALLATION OF THE PRODUCT REQUIRES, BUT CANNOT MEET, PROVISIONS OF PLUMBING LAWS/REGULATIONS;

F. THE MANUFACTURER HAS NOT RESPONDED TO BOARD REQUESTS/INVESTIGATIONS OR ANY BOARD REQUESTS TO CERTIFY THE PRODUCT CONTINUES TO COMPLY WITH 248 CMR 3.00;

G. BOARD ACCEPTANCE OF THE PRODUCT WAS BASED ON INCOMPLETE OR MISLEADING INFORMATION; OR

H. THE BOARD HAS SUBSTANTIAL EVIDENCE THAT CONTINUED USE OF THE PRODUCT COULD BE A THREAT TO THE PUBLIC'S HEALTH, SAFETY, OR WELFARE.

2. THE RESCISSION OF A PRODUCT'S ACCEPTANCE MAY, IF NECESSARY FOR PUBLIC PROTECTION, BE EFFECTIVE PRIOR TO THE MANUFACTURER BEING PROVIDED WITH AN OPPORTUNITY TO RESPOND WITH GROUNDS THAT MAY CHALLENGE THE RESCISSION. THE PROVISION OF THIS SECTION SHALL NOT BE INTERPRETED TO CREATE ANY HEARING OR OTHER DUE PROCESS RIGHTS NOT OTHERWISE REQUIRED BY LAW.

(D) THE BOARD MAY WAIVE THE NEED FOR A PRODUCT TO BE ACCEPTED PER 248 CMR 3.00 IN THE BEST INTERESTS OF THE PUBLIC'S HEALTH, SAFETY, OR WELFARE.

(2) VARIANCES.

(A) THE BOARD MAY ALLOW AN APPLICANT TO USE AN ALTERNATIVE METHOD, MATERIAL, OR PRODUCT THAT DOES NOT COMPLY WITH 248 CMR 3.00 THROUGH 10.00 WHEN:

1. IN THE BOARD'S OPINION THERE IS AN UNUSUAL OR EXTRAORDINARY CIRCUMSTANCE OR ESTABLISHED HARDSHIP THAT WARRANTS SPECIAL TERMS OR CONDITIONS; AND

2. THE APPLICANT SEEKS PERMISSION FROM THE BOARD FOR USING THE ALTERNATIVE MATERIAL, SYSTEM, OR PRODUCT FOR ONE INSTANCE AT ONE LOCATION.

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(b) No plumbing or gas-fitting work that is subject to a Variance request shall begin before the Board has voted to grant the Variance request. The Board may make an exception to this rule subject to the following limitations:

1. The work was performed, prior to a variance being requested, by an individual licensed by the Board operating pursuant to a validly issued permit;
  2. Variances after the fact shall be granted only if a hardship can be established which would have justified the variance if sought prior to the work being performed. For purposes of this requirement, any work or costs incurred to remove non-compliant work or costs incurred to obtain compliant products or materials shall not be considered a qualifying hardship.
  3. The applicant for the variance must be the licensee responsible for the work performed. This applicant must be able to certify the following in writing and using a form approved by the Board in order to qualify for a variance after the fact:
    - a. That the work performed violates specific provisions of M.G.L. c. 142 and/or 248 CMR as cited by the inspector in writing which the applicant must provide to the Board;
    - b. The applicant must certify that he/she understands how the provisions of M.G.L. c. 142 and/or 248 CMR have been violated and that the licensee will ensure all his/her future work will conform to those requirements;
    - c. That the non-compliant work was unintentionally non-compliant due to a condition that the applicant who was responsible for the work could not have reasonably foreseen;
    - d. That the applicant notified the inspector immediately when the work was discovered to be non-compliant; work performed after this notification shall not be eligible for a variance; and
    - e. That the applicant agrees that the non-conforming work is subject to immediate removal if the Board, in its discretion, rejects the variance.
  4. The availability of such an exception shall not relieve a licensee of their obligation to adhere to applicable plumbing and gas fitting laws and regulations governing their work; failing to adhere to these requirements may subject a licensee to disciplinary action.
- (c) The Variance application shall:
1. be made to the Board before filing for the related Permit application to the Inspector;
  2. be submitted in writing and using the forms provided by the Board;
  3. include a copy of the petition for a Variance that was made to the Board of Health or to the Health Department for variance applications that involve plumbing work that is not under the jurisdiction of state inspectors; and
  4. include a copy of the Board of Health or Health Department's response to the petition for variance applications that involve plumbing work that is not under the jurisdiction of state inspectors. The Board may waive this requirement so long as it may confirm that the petition was made in a timely manner.
- (d) The applicant for a Variance request shall:
1. provide a completed application;
  2. include a non-refundable fee in the amount set by the Secretary of Administration and Finance and made payable to the Commonwealth of Massachusetts;
  3. appear at the Board meeting wherein the Variance application is scheduled to be discussed; and
  4. fulfill any testing requirements and/or meet any other applicable standards in their entirety required by the Board.

(3) Special-permission.

(a) When safety is of special consideration, provisions of 248 CMR 3.00 through 10.00 may require that a Licensee obtain Special-permission from the Board before installing or using a given product, system, design, or method.

(b) To obtain Special-permission an applicant shall:

1. submit a request to the Board; and
2. at the Board's request, appear at a Board meeting where the request is scheduled to be discussed.

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- (c) The Special-permission request shall include:
  - 1. a non-refundable fee in the amount set by the Secretary of Administration and Finance and made payable to the Commonwealth of Massachusetts;
  - 2. a completed application;
  - 3. a certification that the system was designed or engineered by a qualified individual;
  - 4. the submission of a set of construction documents that have been stamped by a Massachusetts Registered Professional Engineer; and
  - 5. any other requested documentation.
- (4) Test-site.
  - (a) The Board may allow an applicant to use an alternative method, material, system or technology that does not comply with 248 CMR to determine its feasibility or safety.
  - (b) A Test-site is appropriate when an applicant anticipates that the alternative method, material, system, or technology may be used for more than one installation and at more than one location.
  - (c) No work that is subject to a Test-site request shall begin before the Board has voted to grant the Test-site request.
  - (d) The Test-site application shall be made to the Board before filing for the related Permit application to the Inspector.
  - (e) The applicant for a Test-site request shall:
    - 1. provide a completed application;
    - 2. include a non-refundable fee in the amount set by the Secretary of Administration and Finance and made payable to the Commonwealth of Massachusetts;
    - 3. appear at the Board meeting wherein the product Test-site application is scheduled to be discussed; and
    - 4. fulfill any testing requirements or applicable standards in their entirety required by the Board.
  - (f) Should testing prove nonconformance of the product, material, system, technology, or method at issue, the test-site grant may be subject to additional tests or rescission.
- (5) Required Tests.
  - (a) For the purpose of verifying a claim relating to an application made for Product-acceptance, Variance, Test-site, or Special-permission, the Board may require that tests be performed and that such Board recognized tests are performed at the expense of the applicant.
  - (b) Any tests required by the Board for the purpose of verifying a claim relating to an application made under this section shall be conducted in accordance with industry recognized standards acceptable to the Board.
- (6) Board Recognized Testing.
  - (a) The Board no longer approves testing laboratories. All previous approvals shall be deemed null and void.
  - (b) The Board will only recognize testing performed by laboratories that have been certified to meet industry-based guidelines to ensure appropriate testing.
  - (c) Laboratory certification shall be performed by:
    - 1. Neutral/third party accreditation bodies;
    - 2. Neutral/third party conformity assessment bodies; and
    - 3. Governmental bodies.
  - (d) The Board reserves the right to reject tests from laboratories that lose their certification and/or fail to meet standards necessary for reliable testing.
  - (e) The Board may recognize field testing performed by certified third party testing agencies.

3.05: Permits and Inspections

- (1) Permits.
  - (a) Jurisdiction of Inspectors.

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3.05: CONTINUED

1. STATE INSPECTORS. PERMITS TO PERFORM PLUMBING AND/OR GAS FITTING WORK OWNED, USED, LEASED, OR CONSTRUCTED BY THE COMMONWEALTH PURSUANT TO § 21, SHALL BE SUBMITTED TO STATE INSPECTORS WHO SHALL GRANT OR DENY APPLICATIONS AND WHO SHALL PERFORM THE RELATED INSPECTIONS.
  2. LOCAL INSPECTORS. FOR ALL BUILDINGS THAT ARE NOT OWNED OR CONSTRUCTED BY THE UNITED STATES GOVERNMENT OR THAT ARE NOT OWNED, USED, LEASED OR CONSTRUCTED BY THE COMMONWEALTH, PURSUANT TO M.G.L. C. 142, §§ 11, 11A AND 12, ALL PERMIT APPLICATIONS SHALL BE SUBMITTED TO THE LOCAL INSPECTORS WHO SHALL GRANT OR DENY APPLICATIONS AND WHO SHALL PERFORM THE RELATED INSPECTIONS.
  3. FOR THOSE BUILDINGS OWNED OR CONSTRUCTED BY THE UNITED STATES GOVERNMENT, PERMITS AND INSPECTIONS FOR THOSE BUILDINGS ARE ONLY REQUIRED AT THE REQUEST OF THE UNITED STATES GOVERNMENT.
  4. IN CASES OF EMERGENCY, A PLUMBING FIXTURE OR GAS APPLIANCE MAY BE INSTALLED OR TURNED ON TEMPORARILY BY THE LICENSEE PRIOR TO OBTAINING A PERMIT PROVIDED:
    - A. THE LICENSEE HAS PERFORMED ALL TESTING REQUIRED BY 248 CMR;
    - B. THE LICENSEE AND GAS SUPPLIER (IF APPLICABLE) ARE SATISFIED THAT THE REPAIR WILL ASSURE SAFE OPERATION; AND
    - C. THE INSPECTOR IS NOTIFIED AND A REGULAR INSPECTION IS MADE AT THE NEXT AVAILABLE OPPORTUNITY AND IN NO CASE LATER THAN THE NEXT WORKING DAY.
- (B) REQUIREMENTS.
1. UNTIL A PERMIT HAS BEEN ISSUED BY THE INSPECTOR, PLUMBING OR GAS FITTING WORK SHALL NOT BE:
    - A. INSTALLED;
    - B. ALTERED;
    - C. REMOVED;
    - D. REPLACED; OR
    - E. REPAIRED.
  2. ANY APPLICATION FOR SUCH PERMIT SHALL BE MADE IN WRITING TO THE INSPECTOR AND COMMENCES.
  3. EACH APPLICATION FOR THE PERMIT SHALL INCLUDE:
    - A. A STATEMENT OF THE WORK TO BE PERFORMED;
    - B. THE LOCATION OF THE BUILDING;
    - C. THE NAMES OF THE PEOPLE OR COMPANIES FOR AND BY WHOM THE WORK IS TO BE PERFORMED; AND
    - D. FOR APPLICATIONS FOR PERMIT SOUGHT FOR WORK PERFORMED BY STUDENTS OF AN APPROVED VOCATIONAL SCHOOL PROGRAM, THE APPLICATION MUST INCLUDE EVIDENCE OF APPROVAL BY THE BOARD FOR THE WORK TO BE PERFORMED.
  4. EACH PERMIT THAT IS ISSUED BY THE INSPECTOR SHALL BE SUBJECT TO THE EXPRESSION OF OPINION SET FORTH THEREIN AS TO COMPLIANCE WITH M.G.L. C. 142 AND 248 CMR.
  5. THE INSPECTOR MAY REQUIRE THE APPLICANT TO SUBMIT A SET OF CONSTRUCTION PLANS.
  6. A MINIMUM OF ONE PERMIT IS REQUIRED FOR EACH BUILDING.
  7. PERMITS TO PERFORM PLUMBING WORK SHALL BE ISSUED IN COMPLIANCE WITH THE FOLLOWING:
    - A. PERMITS SHALL BE ISSUED TO PROPERLY LICENSED INDIVIDUALS ONLY.
    - B. WHERE A PERSON SEEKS A PERMIT ON BEHALF OF A CORPORATION OR LLC, ONLY THE MASTER PLUMBER WHO HAS BEEN GRANTED THE LICENSE TO CONDUCT THE PLUMBING WORK AS A CORPORATION OR LLC AND WHO IS A MANAGER OF THE LLC OR AN OFFICER OF THE CORPORATION UNDER M.G.L. C. 142, § 3B SHALL BE ISSUED THE PERMIT.
    - C. WHERE A PERSON SEEKS A PERMIT ON BEHALF OF A GENERAL PARTNERSHIP, LIMITED PARTNERSHIP, OR LLP, ONLY THE MASTER PLUMBERS WHO ARE PARTNERS IN THE ENTITY SHALL BE ISSUED THE PERMIT UNDER M.G.L. C. 142, § 3B SHALL BE ISSUED THE PERMIT.
  8. PERMITS TO PERFORM GAS FITTING WORK SHALL BE ISSUED IN COMPLIANCE WITH THE FOLLOWING:
    - A. PERMITS SHALL BE ISSUED TO PROPERLY LICENSED INDIVIDUALS.
    - B. WHERE A CORPORATION OR LLC SEEKS A PERMIT, ONLY THE MASTER PLUMBER OR MASTER GAS FITTER WHO IS A MANAGER OF THE LLC OR THE OFFICER OF THE CORPORATION UNDER M.G.L. C. 142, § 3B SHALL BE ISSUED THE PERMIT.
    - C. WHERE A GENERAL PARTNERSHIP, LIMITED PARTNERSHIP, OR LLP SEEKS A PERMIT, ONLY THE MASTER PLUMBERS OR THE MASTER GAS FITTERS WHO ARE PARTNERS IN THE PARTNERSHIP UNDER M.G.L. C. 142, § 3B SHALL BE ISSUED THE PERMIT.

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3.05: CONTINUED

9. A BUSINESS ENTITY THAT IS CHANGING ITS MASTER LICENSEE DUE TO NON-REASONS (ROUTINE OR DEATH, AS OUTLINED IN 248 CMR 3.03(1)(E)) MAY HAVE A JOURNEYMAN EMPLOYEE FILE A PERMIT APPLICATION SO LONG AS THE DOCUMENTATION THAT THEY HAVE NOTIFIED THE BOARD OF THE CHANGE PURSUANT TO 248 CMR 3.00. ONCE A NEW MASTER TAKES OVER FOR THE ENTITY, THAT MASTER MUST ASSUME RESPONSIBILITY FOR THE EXISTING PERMITS TAKEN OUT BY THE ENTITY.
10. AN INSPECTOR MAY DENY A PERMIT TO A LICENSEE IF THE LICENSEE HAS WORK SITE IN A HAZARDOUS CONDITION. FOR PURPOSES OF 248 CMR 3.05(1)(B)1, TURNED ON TO A PIPING SYSTEM OR OTHER SUCH EQUIPMENT WITHOUT AN APPROVAL SHALL BE DEEMED A HAZARDOUS CONDITION.
- (C) EXCEPTIONS TO THE PERMIT REQUIREMENT. A PERMIT IS NOT REQUIRED FOR:
1. THE REPAIR OF LEAKS IN A FAUCET, VALVE, OR OTHER WORKING PART OF A PLUMBING SYSTEM;
  2. THE CLEARANCE OF A STOPPAGE; AND
  3. ADJUSTMENT OF GAS APPLIANCE CONTROLS WHEN SAID ADJUSTMENT DOES NOT INVOLVE CHANGES TO THE CONNECTION TO THE GAS SUPPLY OR ASSOCIATED PIPING.
- (D) PERMIT TERMINATION.
1. WHEN ANY OF THE WORK OUTLINED IN THE PERMIT HAS COMMENCED BUT THE PERMIT HOLDER WILL NOT COMPLETE THE WORK OUTLINED IN THE PERMIT, THE PERMIT SHALL BE TERMINATED BY:
    - A. THE PERMIT HOLDER; OR
    - B. THE PERSON OR ENTITY WHO HIRED THE PERMIT HOLDER.
  2. TERMINATION CONSISTS OF SENDING WRITTEN NOTICE TO THE INSPECTOR WHO ISSUED THE PERMIT WHEREIN THE NOTICE INCLUDES:
    - A. THE PERMIT NUMBER;
    - B. A DESCRIPTION OF THE WORK COMPLETED; AND
    - C. A DESCRIPTION OF THE WORK NOT TO BE COMPLETED.
  3. THE INSPECTOR SHALL PERFORM AN INSPECTION ON THE WORK THAT WAS COMPLETED UNDER THE ORIGINAL PERMIT.
- (E) INVALID PERMITS SHALL BE INVALID IF WORK IS NOT STARTED WITHIN 90 DAYS OF THE PERMIT, UNLESS THE HOLDER OF THE PERMIT OR PERMITS CAN SATISFACTORILY PROVE THAT THE START WITHIN THE 90 DAY PERIOD WAS BEYOND HIS OR HER CONTROL.
- (F) RESPONSE TIME FOR PERMIT APPLICATIONS. WITHIN TWO WORKING DAYS UPON THE RECEIPT OF THE PERMIT APPLICATION, THE INSPECTOR MUST ACT UPON A PERMIT APPLICATION FROM A LICENSEE. ACTING DOES NOT CONSTITUTE AN APPROVAL OR ISSUANCE OF A PERMIT.
- (G) PERMIT APPLICATIONS AND FEES.
1. PERMIT APPLICATIONS MUST BE ACCEPTED BY THE INSPECTOR IF SUBMITTED IN PERSON OR BY MAIL, HOWEVER, APPLICANTS MAY CHOOSE TO UTILIZE ELECTRONIC MEANS IF ACCEPTED BY THE INSPECTOR.
  2. THE INSPECTOR MUST ISSUE THE PERMIT TO THE APPLICANT IN PERSON, BY MAIL, OR BY ELECTRONIC MEANS. THE INSPECTOR MAY UTILIZE OTHER ELECTRONIC MEANS IF ACCEPTABLE TO THE PERMITTING AGENCY.
  3. INTERNET PERMIT APPLICATIONS.
    - A. INSPECTORS MAY ACCEPT PERMIT APPLICATIONS OVER THE INTERNET, HOWEVER, TO MAINTAIN UNIFORMITY THROUGHOUT THE COMMONWEALTH, THE INTERNET APPLICATION MUST BE BASED SOLELY ON, AND REQUIRE NO MORE OR LESS INFORMATION THAN THE PERMIT APPLICATION APPROVED BY THE BOARD.
    - B. NO INSPECTOR SHALL DENY A LICENSEE A PERMIT TO PERFORM PLUMBING OR GAS FITTING WORK BECAUSE THE LICENSEE CHOOSES NOT TO UTILIZE AN INTERNET PERMIT APPLICATION.
  4. FEES CHARGED FOR LOCALLY ISSUED PERMITS SHALL BE DETERMINED BY CITIES AND TOWNS. FEES SHALL NOT BE SUBJECT TO BOARD REVIEW.
- (H) NOTIFICATION THAT PERMIT HAS BEEN GRANTED. PRIOR TO ISSUING A FORMAL PERMIT, THE INSPECTOR MAY NOTIFY AN APPLICANT THAT A PERMIT HAS BEEN GRANTED, THE PERMIT HOLDER MUST TREAT THIS NOTIFICATION AS THE EQUIVALENT OF RECEIVING A PERMIT FOR PURPOSES OF COMMENCING WORK. HOWEVER, THIS NOTIFICATION IS SUBJECT TO THE FOLLOWING REQUIREMENTS:
1. THE NOTIFICATION MUST INFORM THE APPLICANT THAT A FORMAL PERMIT IS BEING ISSUED;
  2. THE NOTIFICATION CANNOT BE ORAL, IT MUST BE MADE IN A REPRODUCIBLE MEDIUM SUCH AS AN EMAIL OR WRITING, WHICH MUST BE RETAINED BY THE APPLICANT UNTIL RECEIVING THE PERMIT; AND
  3. THE NOTIFICATION MUST BE ISSUED DIRECTLY BY THE INSPECTOR AND CANNOT BE ISSUED BY ANYONE ELSE.

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(2) PLANS AND SPECIFICATIONS.

(A) WHENEVER PLANS AND SPECIFICATIONS ARE NECESSARY OR REQUESTED BY THE INSPECTOR FOR PLUMBING OR GAS FITTING WORK, THE APPLICANT SHALL SUBMIT SUCH PLANS TO THE INSPECTOR. THE INSPECTOR MAY REVIEW THE PLANS FOR UP TO 30 DAYS PRIOR TO ISSUING THE PERMIT.

(B) THE PLANS AND SPECIFICATIONS SHALL INCLUDE:

1. THE NAME AND ADDRESS OF THE DESIGNER;
2. A CERTIFICATION BY THE DESIGNER THAT SAID PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH 248 CMR; AND
3. THE STAMP OF A MASSACHUSETTS PROFESSIONAL ENGINEER.

(C) PLANS AND SPECIFICATIONS SHALL NOT BE REQUIRED FOR MINOR REPAIRS AND ALTERATIONS.

(3) INSPECTIONS.

(A) TO INSURE COMPLIANCE WITH ALL THE REQUIREMENTS OF M.G.L. C. 142 AND 248 CMR, THE INSPECTOR SHALL INSPECT:

1. ALL WORK WHERE A PERMIT IS REQUIRED;
2. ALL THE PERMIT RELATED PLUMBING AND GAS FITTING WORK; AND
3. ALL PORTIONS OF EXISTING SYSTEMS THAT MAY BE DIRECTLY AFFECTED BY THE PLUMBING OR GAS FITTING WORK OUTLINED IN THE RELATED PERMIT APPLICATION.

(B) THE INSPECTOR MAY REQUIRE THAT AT LEAST TWO INSPECTIONS BE PERFORMED: ONE PRELIMINARY INSPECTION AND ONE FINAL INSPECTION.

(C) THE INSPECTOR MAY REQUIRE THAT A TEST BE PERFORMED AS PART OF THE INSPECTION.

(D) NOTIFICATION.

1. IT SHALL BE THE DUTY OF THE PERMIT HOLDER OR OTHER NON-APPRENTICE LICENSEE TO NOTIFY THE MASTER PLUMBER OR GAS FITTER TO GIVE NOTICE TO THE INSPECTOR WHEN THE PLUMBING OR GAS FITTING WORK IS READY FOR INSPECTION.
2. THE NON-APPRENTICE LICENSEE OR THE PERMIT HOLDER SHALL ESTABLISH THAT THE WORK WILL STAND THE PRESCRIBED TEST AND THAT THE ROUGHING-IN HAS BEEN COMPLETED AS REQUIRED BY 248 CMR BEFORE GIVING THE NOTIFICATION.
3. IF THE INSPECTOR DETERMINES THAT THE WORK WILL NOT PASS THE TEST AND/OR DOES NOT COMPLY WITH 248 CMR OF 248 CMR 3.00 THROUGH 10.00, NECESSARY CORRECTIONS SHALL BE MADE AND THE WORK SHALL BE RESUBMITTED FOR INSPECTION. THE INSPECTOR MUST CITE THE PROVISION OF 248 CMR AND THE FINDINGS JUSTIFYING A DETERMINATION THAT THE WORK PERFORMED IS DEFICIENT.

(E) WITHIN TWO WORKING DAYS UPON THE INSPECTOR'S RECEIPT OF PROPER NOTIFICATION THAT PLUMBING OR GAS FITTING WORK IS READY FOR INSPECTION, THE INSPECTOR MUST ACTUALLY CONDUCT INSPECTION. PROPER NOTIFICATION SHALL MEAN THAT THE PERMIT HOLDER HAS HAD COMMUNICATION WITH THE INSPECTOR.

(F) COVERING OF WORK.

1. NEW PLUMBING AND GAS FITTING WORK AS WELL AS PORTIONS OF EXISTING SYSTEMS THAT MAY BE DIRECTLY AFFECTED BY NEW WORK SHALL NOT BE COVERED UNTIL IT HAS BEEN INSPECTED BY THE INSPECTOR, AND THE INSPECTOR HAS CERTIFIED THAT THE WORK IS IN COMPLIANCE WITH M.G.L. C. 142 AND 248 CMR 3.00 THROUGH 11.00.
2. IF NEW PLUMBING AND GAS FITTING WORK AND SUCH PORTIONS OF EXISTING SYSTEMS THAT MAY BE DIRECTLY AFFECTED BY NEW WORK ARE COVERED BEFORE BEING TESTED AND INSPECTED BY THE INSPECTOR, THE WORK SHALL BE UNCOVERED FOR INSPECTION AFTER THE INSPECTOR HAS GIVEN NOTICE TO UNCOVER THE WORK TO THE PERMIT HOLDER RESPONSIBLE.

(G) DEFECTIVE MATERIALS AND POOR WORKMANSHIP. IF, AT THE TIME OF INSPECTION, THE INSPECTOR FINDS DEFECTIVE OR PATCHED MATERIALS, OR EVIDENCE OF UNSKILLED OR INFERIOR WORKMANSHIP IN CONNECTION WITH A PLUMBING OR GAS INSTALLATION, REGARDLESS OF WHO INSTALLED THE WORK, THE INSPECTOR, WITHIN THE SCOPE OF THE PERMIT, THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:

1. THE INSPECTOR SHALL CONDEMN THE SAME AFFECTED PART(S) OR ENTIRE SYSTEM.
2. THE INSPECTOR SHALL ORDER THE LICENSEE TO REMOVE OR CORRECT THE DEFECTIVE MATERIALS OR UNSKILLED OR INFERIOR WORKMANSHIP.
3. NO FURTHER PROGRESS SHALL BE ALLOWED ON THE WORK UNTIL THE DEFECTIVE MATERIALS OR UNSKILLED OR INFERIOR WORKMANSHIP IS MADE TO BE COMPLIANT WITH 248 CMR.

(4) RIGHT OF ENTRY. SUBJECT TO COMPLIANCE WITH ALL RELEVANT FEDERAL AND STATE LAWS, THE INSPECTOR SHALL, AFTER SHOWING PROPER IDENTIFICATION, HAVE THE RIGHT TO ENTER ANY PREMISES NECESSARY FOR THE PURPOSE OF CONDUCTING AN INSPECTION OF A PLUMBING OR GAS FITTING SYSTEM AT SUCH TIME AND PLACE AS IS REASONABLY NECESSARY TO PROTECT THE PUBLIC HEALTH.

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(5) MATERIAL AND LABOR FOR INSPECTION AND TESTS. THE EQUIPMENT, MATERIALS, POWERS, AND TOOLS NECESSARY FOR THE INSPECTION AND ANY REQUIRED TESTS SHALL BE FURNISHED BY THE LICENSED GAS FITTER.

(6) ADVISORY OPINIONS AND APPEAL PROCEDURE.

(A) STATE INSPECTOR ADVISORY OPINION.

1. ANY PARTY WHO DISAGREES WITH OR IS AGGRIEVED BY THE DECISION OR INTERPRETATION OF A LOCAL INSPECTOR MAY SEEK AN ADVISORY OPINION FROM THE STATE INSPECTOR.
2. A REQUEST FOR AN ADVISORY OPINION MAY BE MADE BY PHONE, BY LETTER, OR BY ANY OTHER MEANS TO THE STATE INSPECTOR.
3. THE STATE INSPECTOR MAY RESPOND TO THE REQUEST FOR AN ADVISORY OPINION BY REQUESTING INFORMATION FROM THE RELEVANT PARTIES AND THEN OFFERING AN INTERPRETATION OF THE PERTINENT PORTIONS OF 248 CMR.
4. THE STATE INSPECTOR'S INTERPRETATION IS A NONBINDING STATEMENT OF OPINION SUBMITTED FOR THAT PURPOSE.
5. AT THE STATE INSPECTOR'S DISCRETION, HIS OR HER ADVISORY OPINION MAY BE GIVEN IN WRITING OR ORALLY.
6. STATE INSPECTOR ADVISORY OPINIONS SHALL NOT BE CONSIDERED TO BE OFFICIAL RULEMAKING BY THE BOARD AND DO NOT CONSTITUTE ADVISORY OPINIONS BY THE BOARD. TO M.G.L. C. 30A, § 8.

(B) APPEAL BEFORE THE BOARD. ANY PERSON WHO DISAGREES WITH OR IS AGGRIEVED BY A DECISION OR INTERPRETATION OF AN INSPECTOR MAY APPEAL TO THE BOARD FOR A HEARING.

1. THE APPEAL SHALL BE IN WRITING ON A FORM APPROVED BY THE BOARD.
2. THE APPEAL SHALL BE ACCOMPANIED BY A FEE IN THE AMOUNT SET BY THE BOARD OF ADMINISTRATION AND FINANCE AND MADE PAYABLE TO THE COMMONWEALTH OF MASSACHUSETTS.
3. THE FEE SHALL BE SUBMITTED BY THE APPELLANT WITH THE EXECUTIVE DIRECTOR OF THE BOARD WHO SHALL SCHEDULE THE HEARING AND NOTIFY ALL INTERESTED PARTIES.
4. THE DECISION OF THE BOARD IS FINAL.

3.06: GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS

(1) GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

(A) ANY VIOLATION OF OR FAILURE TO COMPLY WITH ANY OF THE LAWS OR REGULATIONS OF THE COMMONWEALTH RELATING TO THE PRACTICE OF PLUMBING OR GAS FITTING, INCLUDING BUT NOT LIMITED TO:

1. M.G.L. C. 142;
2. M.G.L. C. 112, §§ 61 THROUGH 65A; AND
3. ANY VIOLATION OF 248 CMR 3.00 THROUGH 11.00, WHICH IS CONSIDERED UNPROFESSIONAL AND IMPROPER CONDUCT.

(B) A LICENSEE IS CONVICTED OF OR ADMITS TO SUFFICIENT FACTS OR PLEADS TO A CRIME IN ANY JURISDICTION, WHETHER FELONY OR MISDEMEANOR, IN THE COMMONWEALTH OF THE COMMONWEALTH, REGARDLESS OF ADJUDICATION OR SENTENCE, THAT RELATES TO PLUMBING OR GAS FITTING.

(C) NO PERSON SHALL, AID OR ABET ANY PLUMBER OR GAS FITTER TO VIOLATE THE LAWS OR REGULATIONS OF THE COMMONWEALTH, INCLUDING M.G.L. C. 142, M.G.L. C. 112, §§ 61 THROUGH 65A, OR 248 CMR 3.00 THROUGH 11.00.

(D) NO PERSON SHALL EMPLOY AN UNLICENSED PERSON OR EMPLOY ANY UNLICENSED PERSON IN THE PERFORMANCE OF ANY WORK THAT REQUIRES A LICENSE BY M.G.L. C. 142 OR 248 CMR 3.00 THROUGH 11.00.

(2) DECEPTIVE ADVERTISING. THE FOLLOWING ADVERTISING PRACTICES ARE CONSIDERED DECEPTIVE OR MISLEADING AND ARE PROHIBITED:

(A) ADVERTISING THAT CONTAINS A MISREPRESENTATION OF FACTS OR FALSE STATEMENTS REGARDING A LICENSEE'S PROFESSIONAL ACHIEVEMENTS, DEGREES, TRAINED SKILLS, AND QUALIFICATIONS;

(B) ADVERTISING THAT MAKES ONLY A PARTIAL DISCLOSURE OF RELEVANT FACTS, SUCH AS A DISCOUNTED PRICE WITHOUT IDENTIFYING THE SPECIFIC DISCOUNTED PRODUCT OR SERVICE OR WITHOUT SPECIFYING THE USUAL PRICE FOR THE DISCOUNTED PRODUCT OR SERVICES;

(C) ADVERTISING THAT CONTAINS A REPRESENTATION THAT A CONTINUING EDUCATION PROGRAM IS APPROVED BY THE BOARD, IF THE CONTENT OF THE PROGRAM DEPARTS FROM THE CONTENT APPROVED BY THE BOARD OR IS NOT IN FACT APPROVED;

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- (D) ADVERTISING THAT CONTAINS ANY REPRESENTATION, STATEMENT OR CLAIM DETERMINES IS MISLEADING OR DECEPTIVE TO THE PUBLIC; OR
- (E) ANY SIGN, LISTING OR ADVERTISEMENT AUTHORIZED BY THE LICENSEE WHICH DOES OR HER DESIGNATION AND LICENSE NUMBER.
- (3) ETHICAL STANDARDS AND PROFESSIONAL CONDUCT. REQUIREMENT TO RESPOND TO
- (A) A LICENSEE SHALL RESPOND WITHIN TEN DAYS TO A WRITTEN COMMUNICATION FROM THE BOARD OR ITS DESIGNEE AND SHALL MAKE AVAILABLE TO THE BOARD ANY RELEVANT AND MATERIAL INFORMATION WITH RESPECT TO AN INQUIRY OR COMPLAINT ABOUT THE LICENSEE. THE TEN-DAY PERIOD SHALL BEGIN ON THE DATE THE BOARD SENDS THE COMMUNICATION TO THE LICENSEE'S LAST KNOWN ADDRESS. THE DEADLINE MAY BE EXTENDED BY THE BOARD OR ITS DESIGNEE WITH GOOD CAUSE.
- (B) A LICENSEE SHALL COOPERATE WITH ANY REASONABLE REQUEST FROM THE BOARD OR ITS DESIGNEE'S AGENT OR EMPLOYEE ACTING ON BEHALF OF THE BOARD WITH REGARD TO A COMPLAINT OR ALLEGATION REGARDING THE LICENSEE.
- (C) A LICENSEE SHALL NOT PROVIDE ANY SERVICES BEYOND THE SCOPE OF THEIR LICENSE(S).
- (D) EACH LICENSEE SHALL FULLY INFORM PERSONS SERVED OF THE NATURE, POSSIBLE RISKS AND LIMITATIONS OF SERVICES RENDERED OR TO BE RENDERED.
- (E) A LICENSEE SHALL NOT CHARGE FOR SERVICES NOT RENDERED.
- (F) UNLESS REQUIRED BY LAW, A LICENSEE SHALL NOT REVEAL TO ANY UNAUTHORIZED PERSON CONFIDENTIAL INFORMATION OBTAINED FROM THE CLIENT THAT THE LICENSEE SERVED WITHOUT THE CLIENT'S PERMISSION.
- (G) EACH LICENSEE SHALL TAKE ALL REASONABLE PRECAUTIONS TO AVOID INJURY TO PERSONS OR PROPERTY IN THE DELIVERY OF PROFESSIONAL SERVICES.
- (H) EACH LICENSEE SHALL NOT DISCRIMINATE ON THE BASIS OF RACE, RELIGION, GENDER, SEXUAL ORIENTATION, AGE, OR AGAINST ANY OTHER CLASS DEFINED BY LAW.
- (I) LICENSEES SHALL MAINTAIN OBJECTIVITY IN ALL MATTERS CONCERNING THE WORK THEY ARE SERVED PROFESSIONALLY.

3.07: COMPLAINT HANDLING PROCESS

- (1) ANY PERSON, ORGANIZATION, AGENT OR EMPLOYEE OF THE DIVISION OF PROFESSIONAL REGULATION OR MEMBER OF THE BOARD MAY FILE A COMPLAINT OR PROVIDE INFORMATION TO THE BOARD REGARDING MISCONDUCT BY A LICENSEE OR UNLICENSED INDIVIDUAL. IF COMPLAINANT IS NOT AN INDIVIDUAL, COMPLAINANT SHALL PROVIDE HIS OR HER NAME, ADDRESS, AND TELEPHONE NUMBER AND A BRIEF DESCRIPTION OF THE ALLEGED ACT(S) THAT PROMPTED THE COMPLAINT. THE COMPLAINT SHALL BE SIGNED BY THE COMPLAINANT OR AN AUTHORIZED REPRESENTATIVE. THE BOARD, AT ITS DISCRETION, MAY INVESTIGATE ANONYMOUS COMPLAINTS.
- (2) INQUIRY AND INVESTIGATION. AFTER RECEIPT AND REVIEW OF A WRITTEN COMPLAINT, THE BOARD SHALL CONDUCT ANY REASONABLE INQUIRY OR INVESTIGATION IT DEEMS NECESSARY TO DETERMINE THE VALIDITY OF THE ALLEGATION(S) SET FORTH IN SUCH COMPLAINT. IF THE BOARD OR AN AUTHORIZED AGENT OF THE BOARD DETERMINES THAT THE COMPLAINT IS LACKING IN MERIT, IT MAY CLOSE THE COMPLAINT.
- (3) REQUEST FOR RESPONSE AND RESPONSE. IF THE BOARD OR ITS DULY AUTHORIZED AGENT DETERMINES THAT A COMPLAINT HAS MERIT, THE BOARD OR ITS DULY AUTHORIZED AGENT MAY REQUEST THE LICENSEE OR UNLICENSED INDIVIDUAL WHO IS THE SUBJECT OF THE COMPLAINT PROVIDE A RESPONSE. A LICENSEE OR UNLICENSED INDIVIDUAL SHALL RESPOND TO A REQUEST FOR RESPONSE, AND THE RESPONSE MAY BE MADE EITHER PERSONALLY OR THROUGH AN ATTORNEY. A RESPONSE SHALL ADDRESS EACH ALLEGATION(S) SET FORTH IN THE COMPLAINT OR REQUEST FOR RESPONSE AND BE PROVIDED IN A TIMELY MANNER IN ACCORDANCE WITH 248 CMR 3.00.
- (4) INVESTIGATIVE CONFERENCE. TO FACILITATE DISPOSITION, THE BOARD OR ITS DULY AUTHORIZED AGENT MAY REQUEST ANY PERSON TO ATTEND AN INVESTIGATIVE CONFERENCE TO DISCUSS THE COMPLAINT AND RESPONSE AT ANY TIME PRIOR TO THE COMMENCEMENT OF A FORMAL HEARING CONDUCTED UNDER M.G.L. C. 30A.

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3.07: continued

(5) Board Action Required. If a Licensee or unlicensed individual fails to respond as requested by the Board or its duly authorized agent, or at any other point in the course of investigation or inquiry into a complaint, the Board or its duly authorized agent determines that there is reason to believe that the alleged acts occurred and constitute a violation for that a Licensee or unlicensed individual may be sanctioned by the Board, the duly authorized agent or the Board may issue an order to show cause or offer to resolve the complaint by consent agreement.

REGULATORY AUTHORITY

248 CMR 3.00: M.G.L. c. 112, § 61; M.G.L. c. 142, §§ 13 and 21.