248 CMR 11.00: EDUCATION AND EXPERIENCE STANDARDS AND REQUIREMENTS FOR LICENSURE

Section

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11.01 : Scope and Application

(1) Scope. The provisions of 248 CMR 11.00 govern the educational and experience requirements for licensure as a journeyman plumber or journeyman gas fitter, licensure as a master plumber or master gas fitter and licensure as either an undiluted liquefied petroleum gas installer or limited undiluted liquefied petroleum gas installer. In addition, 248 CMR 11.00 governs the continuing education requirements for all licensed plumbers and gas fitters in the Commonwealth. Finally, the provisions of 248 CMR 11.00 govern the requirements for providers of plumbing and gas fitting primary and continuing education.

(2) Sections Declared Independent. 248 CMR 1.00 through 11.00 is hereby declared to be an independent section and part of 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 section.

11.02 : Education and Experience Requirements for Apprentices, Journeyman and Master Licensees; Education and Experience Requirements for Undiluted Liquefied Petroleum Gas Installers and Limited Undiluted Liquefied Petroleum Gas Installers

(1) Qualifications for Admission to the Journeyman Plumber Examination.

(a) Apprentice Plumber. An applicant who is a licensed apprentice plumber in accordance with M.G.L. c. 142, § 3A, shall be required to fill out a Board approved application and complete the following education and experience criteria to be eligible for admission to the journeyman plumber examination:

1. Experience. The applicant shall furnish documentary proof satisfactory to the Board of having completed practical work experience that totals no less than 6,800 clock hours as a licensed apprentice working as an employee under the direct supervision of a Commonwealth of Massachusetts licensed master plumber or under the direct supervision of a Commonwealth of Massachusetts licensed journeyman plumber who is in the employ of a master plumber. Experience installing HVAC components for the installation of heating systems, steam piping and hydronic heat piping shall not be considered qualifying experience. However, the Board shall have discretion to grant partial credit for relevant experience in a related trade.
2. Education.
   a. The applicant shall furnish documentary proof of having received a high school diploma or the equivalent; and
   b. The applicant shall furnish documentary proof of having successfully completed 550 clock hours of plumbing and gasfitting theory culminating in a school or instructor designed examination to ensure competency. This education must take place over a period of no less than four years and must meet the Board administrated requirements of 248 CMR 11.00. For each calendar year, no more than 165 hours of education may be credited for licensure purposes.
   c. Apprentices shall begin their education program within nine months of the initial issuance of their apprentice license.
3. Timeframes for Completing Education and Work Experience.
   a. General Rule. For each year in which an apprentice obtains 165 clock hours of education (1½ tiers), that apprentice must accrue 1,700 clock hours of qualifying work experience as a licensed apprentice. 248 CMR 11.02(1)(b)3.a. is subject to

exceptions as described in 248 CMR 11.02(1)(b)3.b. and c.

b. Exception 1. In the event that, due to a hardship, an Apprentice is enrolled in a tier but loses their employment, they shall be permitted to complete the tier they are enrolled in.

c. Exception 2. A licensed apprentice may complete all 220 hours of Tier 1 and Tier 2 in a single calendar year.

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d. Exception 3. An unlicensed individual, who by definition may not accrue work experience, may complete Tier 1 of the education requirement prior to licensure. All remaining education and work experience must be accrued in compliance with the licensing and timeframes described in 248 CMR 11.02(1)(b)3.

e. Exception 4. The Board may permit additional exceptions from these restrictions for good cause shown.

4. Public Comprehensive High School Career/Vocational Technical School Program. An applicant who, as a secondary school student, successfully completes/graduates from a Public Comprehensive High School Career/Vocational Technical School Program following the CVTE (Career Vocational Technical Education) educational standard framework whose program is approved by the Board to meet the requirements of 248 CMR 11.00, may be granted a maximum of the first three tiers, comprising 330 hours of educational theory credit from that program. Additionally, secondary students may accrue a maximum of 1,700 hours of experience credit while enrolled in a Board approved Massachusetts Public Comprehensive High School Career/Vocational Technical School Program, said experience hours may be accrued as follows:

a. In a "shop" or "laboratory" facility at the school where students are under the direct supervision of one or more licensed plumbers who meet the educator licensing requirements of the Department of Elementary and Secondary Education;

b. In a Board-approved, off-campus construction and/or maintenance project overseen by the school; or

c. After obtaining an apprentice license, in a school arranged co-op employment relationship with a master plumber. Subject to the limitations of 248 CMR 11.00, students working as apprentices are eligible for experience hours above and beyond the 1,700 hours of experience for work experience in a co-op relationship that is documented by the employing master plumber to have occurred outside of normal school hours (such as evenings, weekends, and summers).

(b) Limitation on Examination Attempts. A licensed apprentice shall not be permitted to attempt the journeyman license examination more than six times without special Board approval demonstrating good cause.

(c) Apprentice Plumber License Renewal Limited.

1. An apprentice license shall not be renewed (nor shall the licensee be eligible for a new license) after ten years from the date the license was initially granted on or after September 1, 2018, whichever comes later.

2. Waivers of Renewal Restriction. An apprentice whose license is not eligible for renewal pursuant to 248 CMR 11.02(1)(d) to petition the Board for reinstatement, for good cause, of his or her apprentice license.

(d) Credit for Licensure, Education, and Experience Obtained Pursuant to Other Board Issued Licenses.

1. A Massachusetts licensed journeyman or master gas fitter may, upon petition to the Board, utilize up to 220 hours of gas fitting education and 3,400 hours of gas fitting work experience towards the requirements necessary to obtain a journeyman plumbing license.

2. A Massachusetts licensed apprentice gas fitter who has not obtained a higher level license may, upon petition to the Board, utilize up to 110 hours of gas fitting education and 1,700 hours of gas fitting work experience towards the requirements necessary to obtain a journeyman plumbing license.

3. A Massachusetts licensed undiluted liquefied petroleum gas installer or an unlicensed undiluted liquefied petroleum gas installer in training may, upon petition to the Board, utilize up to 110 hours of undiluted liquefied petroleum gas education and 1,700 hours of undiluted liquefied petroleum gas work experience towards the requirements necessary to obtain a journeyman plumbing license.

4. No credit shall be granted for education or work experience as a limited undiluted liquefied petroleum gas installer.

(2) Qualifications for Admission to the Master Plumber Examination.

(a) An applicant who is a licensed journeyman plumber shall be required to file a completed application and meet the following education and experience criteria to be eligible for admission to the master plumber examination:

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1. Experience. The applicant shall furnish documentation satisfactory to the Board demonstrating completion of no less than one year practical experience totaling a minimum of 1,700 clock hours of experience as the holder of a Commonwealth of Massachusetts journeyman plumber license and demonstrating that he or she has been actively engaged in or working at the business of installing repairing, or maintaining plumbing and gas fitting systems, apparatus, devices, fixtures or other appliances typical to the discipline of the plumbing and gas fitting industry only.

2. Education. The applicant shall furnish documentation satisfactory to the Board of having completed the 110 hour Tier Five of the five tier Plumber Educational Program as approved by the Board and described in 248 CMR 11.06. Individuals who completed this education as an apprentice shall not be required to complete any additional education.

(3) Qualifications for Admission to the Journeyman Gas Fitter Examination.

(a) Apprentice Gasfitter. An applicant who is a licensed apprentice gasfitter in accordance with M.G.L. c. 142, § 3A shall be required to fill out a complete application and complete the following education and experience criteria to be eligible for admission to the journeyman gasfitter examination:

1. Experience. The applicant shall furnish documentation satisfactory to the Board demonstrating completion of practical work experience of no less than 5,100-clock hours as a licensed apprentice working as an employee under the direct supervision of a licensed master gasfitter or under the direct supervision of a licensed journeyman gasfitter who is in the employ of a master gasfitter in accordance with M.G.L. c. 142, § 3, installing, repairing, or maintaining gas piping systems, apparatus, devices, fixtures or other appliances typical to the discipline of the gas fitting industry only. Experience that is limited to installing HVAC components for the installation of heating systems, steam piping and hydronic heat piping shall not be considered qualifying experience. However, the Board shall have discretion to grant partial credit for relevant experience in a related trade.

2. Education.

a. The applicant shall furnish documentation to the Board of having received a high school diploma or the equivalent; and

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b. The applicant shall furnish documentary proof of having completed 330 clock hours of apprenticeship gasfitting educational theory culminating in a school or instructor designed examination to ensure competency. This education must take place over a period of no less than three years and meet the Board administered requirements of 248 CMR 11.00.

3. Timeframes for Completing Education and Work Experience.

a. General Rule. For each year in which an apprentice obtains 110 clock hours of education, that apprentice must accrue 1700 clock hours of qualifying work experience as a licensed apprentice. 248 CMR 11.02(3)(b)3.a. is subject to exceptions as described in 248 CMR 11.02(3)(b)3.b. through d.

b. Exception 1. In the event that, due to a hardship, an Apprentice is enrolled in a Tier but loses their employment, they shall be permitted to complete the Tier they are enrolled in.

c. Exception 2. A licensed apprentice may complete Tier 1 and Tier 2 in a single calendar year.

d. Exception 3. An unlicensed individual, who by definition may not accrue work experience, may complete Tier 1 of the education requirement prior to licensure. All remaining education and work experience must be accrued in compliance with the licensing and timeframes described in 248 CMR 11.02(3)(b)3.

e. Exception 4. The Board may permit additional exceptions from these restrictions for good cause shown.

(b) Limitation on Examination Attempts. A licensed apprentice shall not be permitted to attempt the journeyman license examination more than six times without special Board approval demonstrating good cause.

(c) Apprentice Gas Fitter License Renewal Limited.

1. An apprentice license shall not be renewed (nor shall the licensee be eligible for a new license) after ten years from the date the license was initially granted or on or after September 1, 2018, whichever comes later.

2. Waivers of Renewal Restriction. An apprentice who is not eligible for renewal pursuant to the requirements of 248 CMR 11.02(3)(d) shall be permitted to petition the Board for reinstatement, for good cause, of his or her apprentice license.

(d) Credit for Licensure, Education, and Experience Obtained Pursuant to other Board Issued Licenses.

1. While not required to practice gas fitting, a journeyman or master plumber who desires a journeyman gas fitting license may obtain the license by submitting a completed application, paying the appropriate fee, and passing the requisite examination. Such applicants need not obtain additional education or work experience.

2. A Massachusetts licensed undiluted liquefied petroleum gas installer or an unlicensed undiluted liquefied petroleum gas installer in training may, upon petition to the Board, utilize up to 220 hours of undiluted liquefied petroleum gas education and 3,400 hours of undiluted liquefied petroleum gas work experience towards the requirements necessary to obtain a journeyman gas fitting license.

3. A Massachusetts licensed apprentice plumber may, upon petition to the Board, utilize up to 110 hours of education and 1,700 hours of undiluted work experience towards the requirements necessary to obtain a journeyman gas fitting license. Said work experience must have been obtained performing gas installations with the applicant under the direct supervision of a Massachusetts licensed master plumber who can certify that the work experience was specific to gas fitting.

4. No credit shall be granted for education or work experience as a limited undiluted liquefied petroleum gas installer.

(4) Qualifications for Admission to the Master Gasfitter Examination.

(a) An applicant who is a licensed journeyman gas fitter shall be required to complete the following education and experience criteria to be eligible for admission to the master gas fitters examination:

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1. Experience. The applicant shall furnish documentation satisfactory to the Board demonstrating completion of no less than one year practical experience totaling a minimum of 1,700 clock hours of experience as the holder of a Commonwealth of Massachusetts journeyman gas fitter license and has been actively engaged in or working at the business of installing repairing, or maintaining gas fitting systems, apparatus, devices, fixtures, or other appliances typical to the discipline of the gas fitting industry only. However, the Board shall have discretion to grant partial credit for relevant experience in a related trade.

2. Education. The applicant shall furnish documentation satisfactory to the Board of having completed 50 clock hours of gas fitting theory in a master gas fitter educational program, culminating in a school or instructor designed examination to ensure competency. This program must meet the Board administered requirements of 248 CMR 11.00. However, applicants who have completed the 110 hour tier three of the three tier Gas Fitter Educational Program as approved by the Board and described in 248 CMR 11.00 shall be exempt from having to obtain additional education.

3. Master Plumbers. While not required to practice gas fitting, a master plumber who desires a master gas fitting license may obtain the license by submitting a completed application and paying the appropriate fee. Such applicants need not obtain additional education or work experience.

(5) Qualifications for Admission to the Undiluted Liquefied Petroleum Gas Installer Examination.

(a) An applicant for licensure as an undiluted liquefied petroleum gas installer shall be required to complete the education and experience requirements in order to be eligible for admission to the undiluted liquefied petroleum gas installer examination:

1. Experience. The applicant shall furnish documentation satisfactory to the Board demonstrating completion of practical work experience of no less than 3,400 clock hours over a period of no less than two years specifically in the discipline of undiluted liquefied petroleum gas installations working, as an employee under the direct supervision of a Commonwealth of Massachusetts licensed undiluted liquefied petroleum gas fitting installer or a licensed journeyman or master plumber or gas fitter licensed in accordance with M.G.L. c. 142, § 3. Said applicant shall only be granted experience in which he or she was engaged in installing, repairing, or maintaining propane gas piping systems, apparatus, devices, fixtures or other appliances restricted to the discipline of the undiluted liquefied petroleum gas fitting industry. Experience that is limited to installing HVAC components for the installation of heating systems, steam piping, hydronic heat piping, and other work falling under the scope of the gas fitting license, shall not be considered qualifying experience. As of this time, individuals accruing experience under 248 CMR 11.02(5), who will be considered undiluted liquefied petroleum gas installers in training, are not required to hold a license in Massachusetts.

2. Education.

a. The applicant shall furnish documentation satisfactory to the Board of having received a high school diploma or the equivalent, and:

b. The applicant shall furnish documentary proof of having completed 220 clock hours of undiluted liquefied petroleum gas educational theory in a undiluted liquefied petroleum gas educational program culminating in a school or instructor designed examination to ensure competency. This program must meet the Board administered requirements of 248 CMR 11.00.

(b) Limitation on Examination Attempts. No individual shall be permitted to attempt the Undiluted Liquefied Petroleum Gas Installer license examination more than six times without special Board approval demonstrating good cause.

(6) Qualifications for Admission to the Limited Undiluted Liquefied Petroleum Gas Installer Examination. An applicant for licensure as a limited undiluted liquefied petroleum gas installer shall be required to complete the following education and experience requirements to be eligible for admission to the limited undiluted liquefied petroleum gas installer examination:

(a) Education. An applicant must furnish documentary proof satisfactory to the Board of completing a ten hour Occupational Safety and Health Administration course in construction safety and health.

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(b) Experience. An applicant shall furnish documentary proof satisfactory to the Board of having a minimum of 1,700 hours of work experience. As of this time, individuals accruing experience under 248 CMR 11.02(6)(b), who will be considered limited undiluted liquefied petroleum gas installers in training, are not required to hold a license in Massachusetts. The work experience must be accrued as follows:

1. 1,000 clock hours of general experience on construction sites, which shall be certified by a supervising individual holding a non-apprentice level construction related professional license.

2. 700 clock hours of experience installing, connecting and moving from place to place undiluted liquefied petroleum gas salamanders, space heaters and related equipment used in buildings under construction. This work must be under the direct supervision of a licensed limited undiluted liquefied petroleum gas installer or a licensed journeyman or master plumber or gas fitter.

(c) Examination. An applicant for a limited undiluted liquefied petroleum gas installer license shall be capable of demonstrating, by a practical and written examination, to the satisfaction of the examiner, competence and skill in the installation, connection, and movement of undiluted liquefied petroleum gas salamanders, space heaters and related equipment used in buildings under construction.

(7) Applicants with Out-of-state or Out-of-country Education, Education in a related trade, and Work Experience.

(a) Education or Experience Waivers and Equivalency. Applicants seeking a Massachusetts license who received their education or work experience in another state or country may submit to the Board a written request petitioning that such experience or education be considered for approval. Unless Massachusetts has a reciprocity agreement with the relevant jurisdiction, all applicants will be required to pass the relevant examination for the license being sought.

1. Licenses from Another United States Jurisdiction. An applicant who is licensed in another state or jurisdiction who is applying for the equivalent license in Massachusetts shall meet the following requirements:

a. Submit a completed application and the appropriate fee to the Board with documentation sufficient to demonstrate that the requirements for obtaining and maintaining the license are substantially equivalent to the requirements in the Commonwealth of Massachusetts.

b. Submit a statement certified by the Keeper of Records of the issuing jurisdiction that such license is current, in good standing, and that there is no pending disciplinary action relating to the license.

2. Licenses from an International Jurisdiction. An applicant who is licensed in a jurisdiction outside of the United States as a journeyman or master plumber or the equivalent and who is applying for the equivalent licensure in the Commonwealth of Massachusetts shall meet the following requirements:

a. Submit a completed application and the appropriate fee to the Board with documentation, translated into the English language, sufficient to demonstrate that the requirements for obtaining and maintaining the license are substantially equivalent to the requirements in the Commonwealth of Massachusetts.

b. Submit a statement translated into the English language and certified by the Keeper of Records of the issuing international jurisdiction that such license or equivalent is current, in good standing, and that there is no pending disciplinary action relating to the license.

3. Individuals Holding No Licenses but Possess Out-of-state or Out-of-country Education/Work Experience.

a. No out-of-state or out-of-country education or work experience will be accepted unless the Board determines, in its discretion, that such credentials are relevant to those required in Massachusetts. Individuals seeking such a determination must petition the Board to review those credentials prior to filing an application for any license.

b. The Board reserves the right to request additional information regarding qualifications and may choose not to grant or grant only in part a request for education or experience waivers.

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(8) Unlicensed Practice. Other than work performed under a Public Comprehensive High School Career/Vocational Technical School Program as described in 248 CMR 11.00, the Board shall not grant any work experience credit to an individual for any period in which they did not hold a valid license issued by the Board. 248 CMR 11.02(8) shall not be construed as preventing the Board from taking additional disciplinary action against an individual for practicing without a license.

11.03 : Application Requirements and Examination Administration

(1) Application Materials. It is the responsibility of the applicant for examination to make certain that all the required application documents and required supplementary documents demonstrating completion of experience and education requirements are completed before they are submitted for approval.

(a) Applications which are not complete, not legible, or are not accompanied by the required documentation, information and fee(s) shall not be accepted and shall be returned to the applicant.

(b) Veterans. Qualified applicants for examination who are Veterans when making application for examination shall file a copy of their DD-214 Discharge Papers/Separation Papers. The DD-214 shall include the date of induction into active service and date of separation. The Board shall grant a qualified applicant who is a veteran as defined in M.G.L. c. 4, § 7, Forty-third clause a credit of 5% of the examination as described in M.G.L. c. 142, § 4.

(c) Board approval of an applicant to take an examination shall be valid for a period of one year. Upon the expiration of one year, an applicant may be required to submit additional or updated application materials in order to take the examination.

(2) Reasonable Accommodations for Examinations. Qualified applicants for examination who are physically impaired or challenged may receive upon request, Board authorized accommodations as required by law. The applicant's medical condition shall be documented by a Doctor/Physician when the application for examination is submitted.

(3) Examination Scores. Qualified applicants for examination shall achieve the following to qualify for licensure:

(a) Receive a score of no less than 70% on each portion of the examination;

(b) Applicants for examination who receive less than 70% and fail a portion of the exam shall be required to retake the portion they failed within one year from date of failure. Applicants who do not retest or pass the examination within one year from the most recent date of failure shall be required to retake all parts of the examination.

(4) Examination Review.

(a) Any applicant who does not achieve a passing score on any part of an examination may apply to the Board's designated exam administrator in writing for an opportunity to review the examination.

(b) Each applicant seeking review of an examination shall submit the required fee for such review.

(c) Applicants permitted to review an examination may not be accompanied by any person(s) while engaged in a review.

(d) The Board shall make all final decisions with respect to the validity of examination questions, applicant scores, and applicant licensure.

11.04 : Mandatory Continuing Education (MCE) Requirements for Master and Journeymen Plumbers, Master and Journeyman Gasfitters and for Undiluted Liquefied Petroleum Gas Installers

(1) General Continuing Education Provisions.

(a) All Massachusetts licensed plumbers, gasfitters, and undiluted liquefied petroleum gas installers, shall, during every two year license cycle, complete a course of continuing education without repetition. Apprentices shall not be required to complete continuing education.

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(b) Continuing education policies, procedures, course content, and providers are subject to Board approval and must adhere to Board rules, regulations and policies. Continuing education courses shall focus on 248 CMR. In addition, the Board may approve continuing education courses that may include industry related business, law, technology or other subject matters.

(2) Requirements for License Renewal.

(a) Except as otherwise permitted in 248 CMR 11.00, each journeyman and master plumber, journeyman and master gas fitter, or undiluted liquefied petroleum gas installer shall, as a condition of license renewal, complete the following as applicable:

1. 12-clock hours of approved continuing education courses for plumbers with an approved provider; and
2. six-clock hours of approved continuing education courses for gas fitters or undiluted liquefied petroleum gas installers with an approved provider.

(b) Each licensee shall retain all Mandatory Continuing Education documentation for no less than three renewal cycles and shall furnish this documentation to the Board for verification of completion of the Continuing Education requirements if requested by the Board.

(c) Online and Correspondence Courses.

1. Licensees shall only be allowed to take Board approved online or correspondence courses. The Board may deny the right to take online or correspondence courses to individuals whose licenses have lapsed or have been subject to discipline.
2. Online and correspondence courses must include a requirement that attendees pass a Provider designed, Board approved examination. A licensee taking an online or correspondence course shall only be permitted two attempts to pass the examination. Upon the second failure, the licensee shall not be given credit for the online/correspondence course and must then obtain their required continuing education for that session from a live, classroom based Provider

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3. The Board may impose additional requirements for Board approved online or correspondence courses in order to ensure their security and efficacy.

(d) It shall be the licensee's responsibility to ensure that their Provider has been authorized by the Board.

(3) Licensee Qualifications for Exemption of the (MCE) Mandatory Continuing Education Requirement.

(a) A licensee shall be exempt from completing mandatory continuing education requirements if one of the following applies prior to the end of the renewal cycle, unless otherwise specified:

1. The licensee, as an approved instructor, has taught all courses which, without duplication, would fulfill their continuing education requirement for that renewal cycle;

2. The licensee is a qualified and duly appointed Inspector, Assistant Inspector or Alternate Inspector of Plumbing and/or Gas Fitting appointed pursuant to M.G.L. c. 142, § 11B and has successfully completed the continuing education requirements of M.G.L. c. 142, § 11;

3. The licensee is a State Inspector/Investigator or is the Executive Director or Associate Executive Director for the Board of State Examiners of Plumbers and Gas Fitters and employed by the Commonwealth of Massachusetts Division of Professional Licensure (DPL);

4. The licensee was issued their license for the first time during the current renewal cycle. However, this exemption shall not relieve a journeyman plumber or gas fitter from the continuing education requirement during a renewal cycle in which they obtain a master's license;

5. The Licensee is a member of the military on active duty and has met the requirements of M.G.L. c. 112, §1B. However, upon leaving active duty, as a condition of future licensure, the licensee must complete the continuing education hours for the current renewal cycle within 90 days of the date the licensee left active duty; or

6. The Licensee has been granted an inactive license.

a. A licensee who does not desire to engage in the profession of plumbing and gas fitting, but wishes to retain a license may apply for an inactive license by applying for said license with the Board. This inactive license must be renewed every two years, but does not require completion of continuing education. While holding an inactive license, licensees shall no longer be eligible to engage in the profession of plumbing and gas fitting in the Commonwealth. Engaging in the profession of plumbing and gas fitting while holding an inactive license shall constitute unlicensed practice under M.G.L. c. 112, § 65(b). Exception: The holder of an inactive license may, pursuant to a valid permit, perform plumbing and gas fitting in their owner occupied single family house.

b. An individual holding an inactive license who wishes to practice plumbing and gas fitting must reinstate their active license under the same provisions applicable to reinstating an expired license.

(b) Waivers for Other Good Cause.

1. The Board or Board authorized designee may consider the granting of a waiver of the mandatory continuing education requirements for other good cause shown. The waiver request shall be in writing and shall be accompanied by other supporting documentation that the licensee desires the Board to consider before ruling on the waiver request.

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2. Illness or Disability of the Licensee or Immediate Family Member. A request for a waiver based on illness, disability, or other medically-related condition shall be in writing and accompanied by a letter addressed to the Board written and signed by a licensed medical physician stating the nature of the licensee's or the immediate family member's medical condition and the correlation between that condition and circumstance and the licensee's inability to complete the required continuing education within the required period.

3. Unless the Board finds good cause for failing to do so, all requests for waiver of continuing education must be submitted prior to the expiration of the renewal cycle in which said education must be complete.

4. With the exception of individuals suffering a permanent disability, waivers granted in 248 CMR 11.04(3)(b)2. shall be deemed to be waivers of deadlines only, not of the requirement to ultimately complete continuing education. All waivers granted by the Board shall indicate when continuing education must be completed.

(4) Failure by a Licensee to Complete (MCE) Mandatory Continuing Education Requirement.

(a) Any licensee who does not complete the required clock hours of continuing education within the license renewal cycle shall be responsible for completing makeup classes covering the Board approved material for the continuing education missed.

(b) In addition to any makeup classes, all licensees who fail to complete continuing education requirements for any renewal cycle shall be subject to Board review and disciplinary action that may include, but not be limited to the issuance of fines, denial of a request for renewal, re-examination, suspension or revocation of existing licenses, and denial of applications for additional licenses. The Board is under no obligation to warn a licensee of non-compliance with continuing education requirements prior to commencing disciplinary action, however, said action shall be subject to any hearings required by law.

(5) Reinstatement of Lapsed/Expired/Suspended Licenses.

(a) Licensees who have failed to renew their licenses must fill out any applications required by the Board and must pay any back or late fees prior to board consideration.

(b) Licensees whose licenses have lapsed/expired must meet the following additional requirements for reinstating their licenses:

1. If expired for six years or less, licensees must complete all continuing education hours prior to applying to reinstate their license.

2. If expired for more than six years, licensees must complete the continuing education hours for the current renewal cycle and pass the full Board examination for their highest level license prior to being reinstated.

3. Without special Board approval, no waivers of continuing education granted under any other section of 248 CMR 11.00 shall apply for purposes of reinstating a lapsed or expired license.

(c) Unless a decision or consent agreement explicitly states otherwise, licensees who are suspended are subject to the same provisions as licensees who are expired and must complete any continuing education or examination requirements in order to qualify for reinstating their licenses. The Board may also remove a licensee's eligibility for waivers or exemptions of continuing education requirements as part of sanctions related to a disciplinary action.

(d) 248 CMR 11.04(5) shall not be deemed to sanction unlicensed practice. An individual practicing with an expired or suspended license may face disciplinary action up to and including revocation of the right to renew that license.

(6) Initial Certificate and Documentation of Completion of (MCE) Mandatory Continuing Education Requirements.

(a) Upon the successful completion of the clock hours of continuing education each licensee shall receive from his or her board approved continuing education provider a certificate of completion.

(b) Each licensee shall retain such documentation for three renewal cycles and shall furnish it to the Board for verification of completion of the mandatory continuing education requirements if so requested. Failure to provide proof of required documentation may result in non-renewal of a license or other disciplinary action by the Board.

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(7) Duplicate (MCE) Mandatory Continuing Education Certificate.
(a) Any licensee whose certificate of completion has been lost or destroyed shall obtain a duplicate certificate from the original provider by forwarding a written request including the reason(s) for the duplicate and any fee required by the Provider.
(b) It shall be the responsibility of the licensee to make available all certificates to the Board if requested by the Board.

(8) Falsification of Information or Fraudulent Transfer of Mandatory Continuing Education Certificates of Completion. The falsification of any Mandatory Continuing Education or the transfer of a certificate of completion of continuing education to any individual in order to meet Mandatory Continuing Education license renewal requirements shall be grounds for the initiation of formal disciplinary proceedings against the licensees found to have engaged in such misconduct, up to and including suspension or revocation of any license(s) issued by the Board.

11.05: Qualifications and Requirements for Mandatory Continuing Education Providers and Instructors

(1) Qualifications and Requirements for Mandatory Continuing Education Providers.
(a) A Provider of Mandatory Continuing Education seminars or courses may include:
1. vocational schools;
2. association-sponsored programs;
3. labor training programs;
4. employer training programs;
5. private program.
(b) All Providers seeking Board approval to conduct programs for Mandatory Continuing Education shall meet the following requirements:
1. Complete and submit the Provider Application Form.
2. Complete and submit the Provider Agreement Form which shall be accompanied by the appropriate application fee.
3. Provide a detailed outline and lesson plan of each course of study offered, and the names and license numbers of all instructors annually.
4. Proof of liability insurance satisfactory to the Board shall be provided annually.
5. The applicant Provider shall provide a copy of an indemnification bond in such form and amount as shall be required by the Board annually.
6. Providers may need to meet additional requirements, as specified by the Board, to offer online or correspondence courses.
(c) The Board may withdraw without notice at any time its approval as issued to any Provider or issued for any program, course or instructor who, in the Board's opinion and in its sole discretion, no longer meets the requirements for approval established by the Board.

(2) Instructor Qualifications to Conduct (MCE) Mandatory Continuing Education Courses.
(a) Provider instructors shall be approved by the Board and must hold the requisite Board issued license, in good standing, before being authorized to serve as an instructor for any Mandatory Continuing Education course.
(b) Each Provider shall notify the Board in writing of any change of instructors for any course within ten days of the change.
(c) Instructors of plumbing courses must have a master plumber’s license.
(d) Instructors of gas fitting courses must have either a master plumber or master gas fitters license.
(e) Instructors of undiluted liquefied petroleum gas courses must have a master plumber’s license, a master gas fitters license, or a undiluted liquefied petroleum gas installers license accompanied by evidence of two years of work experience.
(f) Subject to proper disclosure to the Division of Professional Licensure and to the Board, an agent or employee of the Division of Professional Licensure who would otherwise qualify as an instructor under 248 CMR 11.05(2) may serve, when not on duty, as an instructor for a continuing education course put on by a private or non-profit entity. Such an individual may only serve as such an instructor so long as they take no part in any Board function regarding policies, procedures, approvals, or other official actions which would create a conflict of interest pursuant to relevant public ethics laws.

11.05: continued

(g) The Board may approve other individuals who would not otherwise qualify as instructors of Mandatory Continuing Education courses where those individuals have a demonstrated competency in subject areas applicable to the plumbing and gas fitting industry which is substantially equivalent to that held by normally qualified Board approved instructors. Additionally, the Board may approve individuals who possess specialized knowledge relating to the subject being taught.

(3) Mandatory Continuing Education Record Keeping Requirements.

(a) Mandatory Continuing Education Records. All authorized Providers shall maintain for a period of no less than three license renewal cycles complete and accurate records for each licensee to whom the provider has issued a Certificate of Completion of Continuing Education. In addition, records of class attendance shall be submitted to the Board electronically at the completion of each renewal cycle or when the provider ceases to provide continuing education courses.

(b) Mandatory Continuing Education Certificates of Completion. A Certificate of Completion of Mandatory Continuing Education Seminar Course record shall at minimum include all of the following information:

1. Three digit Provider number as issued by the Board.
2. Instructor's name and license number.
3. Instructor's actual or electronic signature signed under pains and penalties of perjury.
4. Course date and location (city or town).
5. Classroom clock hours of instruction and course subject matter.
6. Attendee name, his or her license number and designation.

(c) Providers shall possess and maintain electronic technology acceptable to the Board.

(d) Each approved Provider shall, at its own expense and in a format approved by the Board, electronically transmit to the Board or its designee certification of each licensee's completion of the continuing education course within five working days of the completion date of the course. The certification shall contain the following data and information:

1. Names and license number(s) of all licensees attending the continuing education course.
2. Date of the course.

(e) The Board may charge course providers a fee to recover costs for software and for training Providers in the use of that software.

(f) All records maintained by the provider shall be made available to the Board or its designee within ten days upon request.

(g) Each provider shall be responsible for the security of any Board issued provider numbers and authorization certificates in accordance with 248 CMR 11.00.

(h) Falsification of any information relating to Mandatory Continuing Education requirements by the Provider shall result in the revocation of any approval provided by the Board to any Provider engaging in such misconduct. In addition, the Board may initiate any other legal action it deems appropriate in the circumstances, including but not limited to criminal prosecution. Any licensee(s) participating in such misconduct shall be the subject of formal disciplinary proceedings, including but not limited to both administrative and criminal proceedings.

(4) Providers shall offer continuing education courses in any of the following formats.

(a) No more than six hours of classroom instruction may be presented in one day per instructor.

(b) No less than three hours of classroom instruction presented in one day per instructor.

(c) An online learning or written correspondence course approved by the Board.

(d) Providers shall limit the number of students for any continuing education class to no more than 49.

(e) Providers shall not advertise or promote the sale of specific goods and/or services during the course of any continuing education class.

(f) If an application is refused or not approved, written notice explaining the basis for the decision shall be provided to the applicant by the Board or its designee.

11.05: continued

(5) Expiration and Denial of Board Approval.

(a) A provider's approval to offer instruction in Continuing Education expires on the last day of each license renewal cycle.

(b) The Board may withdraw without notice at any time its approval of any Provider instructor who fails to meet the educational criteria established in 248 CMR 11.00.

(c) The Board may deny approval of an application from a provider for any of the following reasons:

1. failure to comply with the provisions of 248 CMR 11.05(4);
2. inadequate or unprofessional coverage of the materials required to be included in the course materials; or
3. unsatisfactory evaluations of the course materials by instructors, licensees, the Board or its designee.

(6) Course Materials. The Board shall approve course materials to be used for Mandatory Continuing Education courses. Course materials are the printed materials that serve as the basis for the Mandatory Continuing Education courses provided to licensees. The following minimum criteria shall be used by the Board in considering approval of course materials:

(a) The course materials shall provide the basis for a minimum of three classroom hours of instruction per course as approved by the Board.

(b) Advertisements used in conjunction with course materials must be clearly identifiable as such and clearly labeled as advertising.

(c) The Board may approve the development of uniform course materials which all providers would be required to use.

(d) The provider of course materials must have legal ownership of, or the appropriate license for the use of all copyrighted material included within the course materials.

(e) All Board approved course materials shall contain a prominently displayed approval statement containing the following language: "THIS CONTINUING EDUCATION COURSE MATERIAL HAS BEEN APPROVED BY THE MASSACHUSETTS STATE BOARD OF EXAMINERS OF PLUMBERS AND GASFITTERS. BY APPROVAL OF THIS COURSE MATERIAL, THE BOARD DOES NOT ASSUME ANY RESPONSIBILITY FOR THE ACCURACY OF THE CONTENTS. THIS COURSE MATERIAL IS NOT BEING PUBLISHED BY, NOR IS IT A PUBLICATION OF, THE BOARD."

11.06: Education Hour and Course Content Requirements

(1) Board Certification Required.

(a) All Public, Private, Proprietary, Occupational Trade Schools, College/University programs, or other educational programs must be certified by the Board in order to qualify for credit towards a Board issued license.

(b) Educational Programs not certified by the Board shall not be granted any credit towards licensure unless the Board deems, in its discretion, that there was good cause for the program's failure to obtain certification. This paragraph shall not be deemed to prevent the Board from granting credit towards relevant non-plumbing/gas fitting education.

(c) All educational programs certified by the Board must divide the education provided into Tiers as described in 248 CMR 11.00.

(2) Administrative Requirements for Educational Programs.

(a) Instructor Qualifications.

1. All instructors of plumbing courses must hold a master plumbers license.
2. All instructors of gas fitting or undiluted liquefied petroleum gas installer courses must hold either a master gas fitter or master plumbers license.
3. The Board may approve other individuals who would not otherwise qualify as instructors where those individuals have a demonstrated competency in subject areas applicable to the plumbing and gas fitting industry which is substantially equivalent to that held by normally qualified Board approved instructors. Additionally, the Board may approve individuals who possess specialized knowledge relating to the subject being taught.

11.06: continued

4. Subject to proper disclosure to the Division of Professional Licensure and to the Board, an agent or employee of the Division of Professional Licensure who would otherwise qualify as an instructor under 248 CMR 11.06(2) may serve, when not on duty, as an instructor for licensing education programs put on by a private or non-profit entity. Such an individual may only serve as such an instructor so long as they take no part in any Board function regarding policies, procedures, approvals, or other official actions which could create a conflict of interest pursuant to relevant public ethics laws.

(b) Education Hours Requirements for Apprentice Plumbers Who must Follow the 550-clock Hour Program.

1. The course shall be segregated into five Tiers.
2. Each Tier shall contain 110-clock hours.
3. Each Tier shall be consecutive and shall be designed to coincide with the years of experience of the apprentice student.
4. Each Tier shall be administered and designed in compliance with the standards issued by the Board.
5. Students shall be required to demonstrate proficiency and competency in each Tier by passing an examination designed by the school and/or the instructor.
6. Each Tier shall include coverage in but shall not be limited to the following subject areas:
   a. M.G.L. c. 142: *Supervision of Plumbing*;
   b. 248 CMR 3.00 through 11.00;
   c. Occupational Safety and Health Administration (OSHA) Rules and Regulations including the Construction Outreach Training Program;
   d. Material Safety Data Sheets (MSDS);
   e. Dig Safe Systems in the Commonwealth of Massachusetts, M.G.L. c. 82, § 40.
7. Students may not advance from one Tier to another until the clock hour and examination requirements of the preceding Tier has been completed.
8. Students need not complete all Tiers with the same school/provider, however, each individual Tier must be completed with the same school/provider. Notwithstanding this prohibition, a student may petition the Board to be permitted to complete an incomplete Tier with a different school/provider when the new provider is able to certify that the student will be able to complete all content areas of said Tier.

(c) Education Experience for Apprentice Gasfitters Who must Follow the 330-clock Hour Program.

1. The 330-clock hour gas-fitting educational program shall be segregated into three Tiers.
2. Each Tier shall contain 110-clock hours.
3. Each Tier shall be consecutive and shall be designed to coincide with the years of experience of the apprentice student.
4. Each Tier shall be administered and designed in compliance with the standards issued by the Board.
5. Students shall be required to demonstrate proficiency and competency in each tier by passing an examination designed by the school and/or the instructor.
6. Each Tier shall include coverage in but shall not be limited to the following subject areas:
   a. M.G.L. c. 142: *Supervision of Plumbing*;
   b. 248 CMR 3.00: *General Provisions Governing the Conduct of Plumbing and Gas Work Performed in the Commonwealth*;
   c. 248 CMR 4.00: *Massachusetts Fuel Gas Code*;
   d. 248 CMR 5.00: *Amendments to NFPA-54*;
   e. 248 CMR 7.00: *Large Gas Utilization Equipment*;
   f. 248 CMR 8.00: *Amendments to NFPA-58;*
   g. 248 CMR 11.00: *Education and Experience Standards and Requirements for Licensure*;
   h. *Occupational Safety and Health Administration (OSHA) Rules and Regulations including the Construction Outreach Training Program*;
   i. *Material Safety Data Sheets (MSDS)*;
   j. M.G.L. c. 82, § 40: *Dig Safe Systems in the Commonwealth of Massachusetts*.

11.06: continued

7. Students may not advance from one Tier to another until the clock hour and examination requirements of that Tier has been successfully completed. The Board may waive this requirement for good cause shown.

8. Students need not complete all Tiers with the same school/provider, however, each individual Tier must be completed with the same school/provider. Notwithstanding this prohibition, a student may petition the Board to be permitted to complete an incomplete Tier with a different school/provider when the new provider is able to certify that the student will be able to complete all content areas of said Tier.

(d) Education Experience for Undiluted Petroleum Gas Installer Applicants Who must Follow the 220-clock Hour Program.

1. The 220-clock hour gas-fitting educational program shall be segregated into two Tiers.

2. Each Tier shall contain 110-clock hours.

3. Each Tier shall be consecutive and shall be designed to coincide with the years of experience of the student.

4. Each Tier shall be administered and designed in compliance with the standards issued by the Board.

5. Students shall be required to demonstrate proficiency and competency in each tier by passing an examination designed by the school and/or the instructor.

6. Each Tier shall include coverage in but shall not be limited to the following subject areas:

a. M.G.L. c. 142: *Supervision of Plumbing*;

b. 248 CMR 3.00: *General Provisions Governing the Conduct of Plumbing and Gas Work Performed in the Commonwealth*;

c. 248 CMR 4.00: *Massachusetts Fuel Gas Code*;

d. 248 CMR 5.00: *Amendments to NFPA-54*;

e. 248 CMR 7.00: *Large Gas Utilization Equipment*;

f. 248 CMR 8.00: *Amendments to NFPA-58;*

g. 248 CMR 11.00: *Education and Experience Standards and Requirements for Licensure*;

h. Occupational Safety and Health Administration (OSHA) Rules and Regulations including the *Construction Outreach Training Program*;

i. Material Safety Data Sheets (MSDS);

j. M.G.L. c. 82, § 40: *Dig Safe Systems in the Commonwealth of Massachusetts*.

7. Students may not advance from one Tier to another until the clock hour and examination requirements of that Tier has been successfully completed. The Board may waive this requirement for good cause shown.

8. Students need not complete all Tiers with the same school/provider, however, each individual Tier must be completed with the same school/provider. Notwithstanding this prohibition, a student may petition the Board to be permitted to complete an incomplete Tier with a different school/provider when the new provider is able to certify that the student will be able to complete all content areas of said Tier.

(e) No Grandfathering. All educational programs accepted by the Board for credit towards a license must meet the latest Board requirements regardless of when they were initially certified.

REGULATORY AUTHORITY

248 CMR 11.00: M.G.L. c. 112, §§ 61 through 65B; and c. 142, §§ 1 through 21.