

**22 Tex. Admin. Code § 365.15**

**Curriculum Minimum Standards<sup>1</sup>[~~Course Materials for Continuing Professional Education Programs~~]**

(a) Curriculum shall:

(1) be based on current Occupational Safety and Health Administration (OSHA) regulations;

(2) be based on current or later editions of Board-approved plumbing code(s);

(3) meet or exceed the water saving performance standards in Texas Health and Safety Code Section 372.002;

(4) meet or exceed the energy efficiency performance standards in Texas Health and Safety Code Section 388.003.

(5) be based on the Plumbing License Law and Board Rules;

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

(7) keep licensees, registrants and endorsement holders informed of innovations, best practices and significant changes or events effecting the plumbing profession.

~~[(a) The course materials are the printed materials<sup>2</sup> provided to the licensees and registrants attending a CPE course for use in the classroom<sup>3</sup> or in conjunction with a correspondence course and for future reference].~~

~~[(1) The Board shall publish a list of the approved subjects that course materials may cover and update the list as needed]<sup>4</sup>~~

~~[(2) The course materials shall not advertise or promote the sale of goods, products or services.]<sup>5</sup>~~

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<sup>1</sup> HB 636 would require “the board by rule” to establish minimum criteria that the E.D. would use to approve course materials and course providers. Subsection (a) establishes the minimum standards.

<sup>2</sup> Define materials in a definitions section to include either a hard copy or electronic format. Staff hopes that an electronic option will reduce cost to licensees, registrants and endorsement holders.

<sup>3</sup> Define classroom in a definitions section to include in person or live webinar.

<sup>4</sup> Consolidate under subsection (b) so readers don’t need to go elsewhere to find information.

~~[(b) The course materials shall meet the minimum curriculum standards and be comprehensive enough to support a minimum of six (6) classroom hours of study.~~

~~–(1) Three (3) hours shall cover the subjects of health protection, energy conservation and water conservation.~~

~~–(2) Three (3) hours shall cover subjects from the list of approved subjects published by the Board and include information concerning the Plumbing License Law, Board Rules, and current industry practices and codes.~~

~~[(3) All of the information covered shall present:]~~

~~[–(A) issues relevant to the plumbing trade in the current market;]~~

~~[–(B) changes to the plumbing trade; or]~~

~~[–(C) topics which increase or support the students' development of skill and competence in the plumbing trade.]<sup>6</sup>~~

~~[(c) A Publisher of Course Materials, Course Provider or Course Instructor shall encourage the student to retain the course materials for future reference and shall not offer to buy back used course materials from a student or offer any other incentive intended to persuade a student not to retain the course materials.]~~

~~(b)[(d)]The Executive Director[Board]<sup>7</sup> shall annually approve continuing professional education courses and associated course materials [for the CPE course required] for the renewal of a [Journeyman Plumber, Master Plumber, Tradesman Plumber Limited or Plumbing Inspector] License or Endorsement under §1301.404 of the Plumbing License Law and training programs and associated materials<sup>8</sup> required for[or] the renewal of a [Drain Cleaner, Drain Cleaner-Restricted or Residential Utilities Installer]<sup>9</sup>Registration under §1301.405 of the Plumbing License Law.~~

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<sup>5</sup> Board does not have the authority to prohibit advertising unless it's false, misleading or deceptive. Tex. Occ. Code §1301.252. Allowing advertising may reduce cost to licensees.

<sup>6</sup> Consolidated in the list in subsection b

<sup>7</sup> Change necessary if H.B. 636 becomes law.

<sup>8</sup> Tex. Occ. Code § 1301.405.

<sup>9</sup> Necessary if S.B. 871 becomes law.

(c) Three (3) hours shall cover the subjects of health protection, energy conservation and water conservation for licensees or endorsement holders.<sup>10</sup>

(d) Three (3) hours shall cover the subjects of health and safety requirements, board-approved plumbing codes and water conservation for registrants<sup>11</sup>~~[subjects from the list of approved subjects published by the Board and include information concerning the Plumbing License Law, Board Rules, and current industry practices and codes].~~

(e) The remaining three (3) hours may cover any of the following subjects approved by the Board for licensees, endorsement holders or registrants:

### **Attached Graphic**

~~(f) [(1)]~~ A Publisher of Course Materials shall electronically submit a draft version of all the course materials it plans to utilize, a complete application and an application fee, ~~and a separate table of contents, to the Board for approval].~~

~~[(2) The draft submitted shall:]~~

~~[(A) be free of all typos and grammar, spelling and punctuation errors;]~~

~~[(B) include illustrations and graphics to show concepts not easily explained in words;]~~

~~[(C) include a statement that the most current Board forms used for doing business with licensees, registrants, and the public are available on the Board's website or by mail upon request;]~~

~~[(D) include a notice informing students of the provisions contained in §365.20(d)-(f) of this chapter; and]~~

~~[(E) prominently display in bolded 10-point type, or larger, the following disclaimer: "THIS CONTINUING PROFESSIONAL EDUCATION COURSE MATERIAL HAS BEEN APPROVED BY THE TEXAS STATE BOARD OF~~

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<sup>10</sup> Tex. Occ. Code § 1301.404(b).

<sup>11</sup> Tex. Occ. Code § 1301.405(a). Similar requirements, but separating out to emphasize the difference between training and CPE so that training better addresses the needs of registrants and CPE better addresses the needs of licensees.

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

~~[(e) Upon Board approval, final copies of the course materials shall be printed for distribution to students in a bound version meeting the following minimum technical specifications for printing and production:]~~

~~[(1) Binding—Perfect or Metal Coiled;]~~

~~[(2) Ink—Full Bleed Color;]~~

~~[(3) Cover Material—80 Pound Gloss Paper; and]~~

~~[(4) Page Material—70 Pound.]~~

~~[(f) The Board may post a copy of the table of contents of each set of approved course materials on its website.]<sup>12</sup>~~

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<sup>12</sup> In response to the Sunset Advisory Commission's January 2019 TSBPE Staff Report with Commission Decisions.