

TEXAS STATE BOARD OF PLUMBING EXAMINERS

Issue 1

The Texas Department of Licensing and Regulation Could More Effectively Regulate Plumbers.

Change in Statute

Rec. 1.1, Adopted as Modified

Transfer the regulation of plumbers to the Texas Department of Licensing and Regulation. Reconstitute the independent plumbing board as an advisory board, but replace one of the two public members with a licensed plumber.

Rec. 1.2, Adopted

Require the agency to obtain fingerprint background checks for all applicants and licensees.

Management Action

Rec. 1.3, Adopted as Modified

Direct the board and TDLR to form a working group by February 1, 2019, to be dissolved no sooner than September 1, 2020, to develop regulatory processes and rules. Direct the working group to meet in-person monthly for no less than six months, and to submit quarterly status reports to the Sunset Commission on the implementation of recommendations.

Issue 2

Overregulation and Complex Licensure Requirements Inhibit Entry Into and Growth in the Plumbing Industry.

Change in Statute

Rec. 2.1, Adopted

Eliminate the separate drain cleaner-restricted, drain cleaner, and residential utilities installer registrations.

Rec. 2.2, Adopted as Modified

Remove statutory requirements for direct supervision and authorize the board to determine supervision requirements for specific tasks in rule. Require an apprentice or tradesman plumber to obtain on-the-job or classroom training

before performing tasks under general supervision, and credit any classroom training toward the hours for licensure and any continuing education requirements.

Rec. 2.3, Adopted as Modified

Remove the statutory requirement for the board to only hire licensed plumbers to administer the written portions of exams, but retain the statutory requirement that a licensed plumber must administer the practical portions of the exams.

Rec. 2.4, Adopted as Modified

Authorize the board to outsource the creation and administration of its exams, but require a licensed plumber to administer the practical portions of the exams.

Rec. 2.5, Adopted

Clarify the board's authority to approve continuing education course content and instructors.

Rec. 2.6, Adopted

Authorize the board to establish license terms in rule.

Rec. 2.7, Adopted

Remove the separate renewal for endorsements.

Rec. 2.8, Adopted

Eliminate the responsible master plumber designation and create a plumbing contractor license.

Rec. 2.9, Adopted

Authorize the agency to issue temporary licenses.

Management Action

Rec. 2.10, Adopted as Modified

Rather than eliminating the practical components of exams, direct the agency to establish or partner with third parties to open at least seven testing facilities by September 1, 2019, to administer exams across the state.

Rec. 2.11, Adopted as Modified

Direct the board to simplify the timeframe for obtaining continuing education by September 1, 2019.

Issue 3

Inefficient Enforcement Processes Hinder Effective Public Protection and Fair Treatment of Licensees.

Change in Statute

Rec. 3.1, Adopted

Eliminate statutory qualifications for field investigators.

Rec. 3.2, Adopted

Repeal the statutory enforcement committee.

Rec. 3.3, Adopted

Repeal the board's authority to issue criminal citations.

Management Action

Rec. 3.4, Adopted as Modified

Direct the agency to adopt a risk-based approach to investigations in rule by September 1, 2019, focusing on higher risk complaints first before other lower risk activities, such as jobsite compliance checks.

Rec. 3.5, Adopted as Modified

Direct the agency to use informal settlement conferences in appropriate circumstances and better document its use of this enforcement tool by December 1, 2019.

Rec. 3.6, Adopted as Modified

Direct the agency to publish disciplinary history online by May 1, 2019.

Adopted New Recommendations

Licensing Out-of-State Applicants

Replace the agency's provisional license authority with the authority to enter into reciprocity agreements with states that have substantially similar licensure requirements, and also authorize the board to waive certain requirements for out-of-state applicants. Specify that an out-of-state applicant licensed for at least two years may obtain an equivalent license in Texas, as determined by the board, without taking an exam. As a management action, direct the board to establish the qualifications to waive experience and exam requirements for out-of-state applicants.

Unnecessary Licensure Requirement

Direct the agency to eliminate the requirement to have a high school diploma or GED for licensure. (Management action – nonstatutory)

Code Conflicts in Exams

Direct the agency to review all written exams and eliminate or revise questions that could test on only one plumbing code or that implicate a conflict between the International Plumbing Code and Uniform Plumbing Code. (Management action – nonstatutory)