1.1 **Department of Labor and Industry**

1.2 **Proposed Permanent Rules Adopting Plumber Licensing, Certification and**
1.3 **Registration, and Continuing Education**

1.4 **4716.0010 DEFINITIONS.**

1.5 [For text of subps 1 and 2, see M.R.]

1.6 Subp. 3. **Department.** "Department" means the Minnesota Department of Labor
1.7 and Industry.

1.8 Subp. 4. **Person.** "Person" means any individual, limited liability company,
1.9 corporation, partnership, incorporated or unincorporated association, sole proprietorship,
1.10 joint stock company, or any other legal or commercial entity.

1.11 Subp. 5. **Plumbing Code.** "Plumbing Code" means the code adopted as chapter
1.12 4715.

1.13 **MEDICAL GAS**

1.14 **4716.0070 AUTHORITY; PURPOSE.**

1.15 Part 4716.0080 establishes certification requirements for individuals engaging in the
1.16 installation, maintenance, or repair of medical gas systems under Minnesota Statutes,
1.17 section 326B.438.

1.18 **4716.0071 DEFINITIONS.**

1.19 Subpart 1. **Scope.** The terms used in parts 4716.0070 to 4716.0072 have the
1.20 meanings given them in this part and parts 4715.0100 and 4715.0420, subpart 2.

1.21 Subp. 2. **Breaching.** "Breaching" means opening any portion of the medical gas
1.22 system to atmosphere.

1.23 Subp. 3. **Certified installer.** "Certified installer" means an individual who has met
1.24 the requirements of ASSE Standard 6010 Medical Gas Systems Installers and the brazing

2.1 qualification as defined in NFPA 99C, and is currently certified to this standard and
2.2 qualification by National Inspection Testing Certification (NITC) or by a recognized
2.3 third-party certification agency.

2.4 Subp. 4. **Installation.** "Installation" means the process of putting in place the
2.5 equipment and piping required for a medical gas system and making it ready for use.

2.6 Subp. 5. **Maintenance.** "Maintenance" means performing work that is done
2.7 regularly to keep the medical gas system and system components in good condition and
2.8 working order. Maintenance does not mean replacing cylinders or filters, and work that
2.9 does not breach the integrity of the medical gas piping system.

2.10 Subp. 6. **Recognized third-party certification agency.** "Recognized third-party
2.11 certification agency" means an agency approved by the commissioner and conforming to
2.12 ANSI/ISO/IEC Standard 17024 Conformity assessment - General requirements for bodies
2.13 operating certification of persons, or equivalent.

2.14 Subp. 7. **Repair.** "Repair" means breaching the medical gas system for the
2.15 replacement of pipe, equipment, or other components and restoring the system to working
2.16 order.

2.17 **4716.0072 LICENSURE; CERTIFICATION.**

2.18 Subpart 1. **Licensure requirement.** No person shall offer to perform or perform
2.19 medical gas installation, maintenance, or repair without a plumbing contractor license
2.20 issued under chapter 326B. Each plumbing contractor shall designate an individual
2.21 holding a medical gas certification issued by the commissioner as the individual
2.22 responsible for the plumbing contractor's compliance with this part, chapter 4715, and
2.23 Minnesota Statutes, section 326B.438.

2.24 Subp. 2. **Certification requirement.**

3.1 A. An applicant for medical gas installer certification must meet the following
3.2 requirements:

3.3 (1) current certification as a certified installer as defined in part 4716.0071,
3.4 subpart 5, that was obtained on or before August 1, 2010; or

3.5 (2) both current licensure as a master plumber or journeyman plumber
3.6 under Minnesota Statutes, section 326B.46, and current certification as a certified installer
3.7 as defined in part 4716.0071, subpart 3.

3.8 B. An individual meeting the requirements of this subpart may submit an
3.9 application to the commissioner for certification as a medical gas installer. Individuals
3.10 granted medical gas installer certification by the commissioner must maintain their
3.11 status as a certified installer as defined in part 4716.0071, subpart 3, while installing,
3.12 maintaining, or repairing medical gas systems, and carry verification while in the field.

3.13 Subp. 3. **Application.** All applications submitted pursuant to this part must be
3.14 submitted on a form approved by the commissioner and include the fees required by
3.15 Minnesota Statutes, sections 326B.092 and 326B.438, subdivision 4.

3.16 Subp. 4. **Renewal and expiration.** The renewal and expiration of a medical gas
3.17 installer certification shall be in accordance with Minnesota Statutes, section 326B.438,
3.18 subdivisions 2 to 4.

3.19 **WATER CONDITIONING**

3.20 **4716.0090 AUTHORITY; PURPOSE.**

3.21 Pursuant to Minnesota Statutes, section 326B.435, subdivision 2, part 4716.0092
3.22 establishes licensing requirements for water conditioning contractors, water conditioning
3.23 masters, water conditioning journeymen, and other persons engaged in or working at the
3.24 business of water conditioning installation or service.

3.25 **4716.0091 DEFINITIONS.**

4.1 The terms used in parts 4716.0090 to 4716.0092 have the meanings given them in
4.2 this part, part 4715.0100, and Minnesota Statutes, section 326B.50.

4.3 **4716.0092 LICENSURE.**

4.4 Subpart 1. **Water conditioning contractor.** An applicant for a water conditioning
4.5 contractor license must designate a water conditioning master or master plumber, licensed
4.6 by the commissioner, as the individual responsible for the water conditioning contractor's
4.7 compliance with this part, chapter 4715, Minnesota Statutes, sections 326B.50 to 326B.59,
4.8 and all orders issued under Minnesota Statutes, section 326B.082. The responsible water
4.9 conditioning master or master plumber must give a minimum 15-day notice to the water
4.10 conditioning contractor and the department before resigning as the responsible water
4.11 conditioning master or master plumber for the contractor. The contractor and responsible
4.12 water conditioning master or master plumber must immediately notify the department
4.13 upon the termination or separation of the contractor's responsible water conditioning
4.14 master or master plumber. The water conditioning contractor shall have 60 days from the
4.15 last day of employment of its previous responsible water conditioning master or master
4.16 plumber to employ another responsible water conditioning master or master plumber. The
4.17 water conditioning contractor shall submit written notification to the department that
4.18 they have designated a different water conditioning master or master plumber as the
4.19 individual responsible for the contractor's compliance with this part, chapter 4715, and
4.20 Minnesota Statutes, sections 326B.50 to 326B.59. If the water conditioning contractor is
4.21 unable to acquire a replacement responsible water conditioning master or master plumber,
4.22 the water conditioning contractor's license is invalid and the contractor shall cease and
4.23 desist from performing any water conditioning work and return the contractor's license
4.24 for voluntary termination. Upon acquiring a replacement responsible water conditioning
4.25 master or master plumber, the water conditioning contractor may request reinstatement of
4.26 the terminated license under Minnesota Statutes, section 326B.096.

5.1 Subp. 2. **Water conditioning master.** An applicant for a water conditioning master
5.2 license must satisfactorily pass an examination given by the commissioner. An applicant
5.3 for the water conditioning master examination must have at least 12 months of practical
5.4 experience as listed in subpart 4, items B and C, subitem (1). The applicant is responsible
5.5 for verifying practical experience.

5.6 Subp. 3. **Water conditioning journeyman.** An applicant for a water conditioning
5.7 journeyman license must satisfactorily pass an examination given by the commissioner.
5.8 An applicant for the water conditioning journeyman examination must have at least six
5.9 months of practical experience as listed in subpart 4, item C, subitem (2). The applicant is
5.10 responsible for verifying practical experience.

5.11 Subp. 4. **Experience.** For the purposes of the experience required under subparts 2
5.12 and 3, the following requirements apply.

5.13 A. Experience in the planning, superintending, installing, and servicing of water
5.14 conditioning systems is acceptable in the situations described in the following:

5.15 (1) experience while in the employ of a contractor licensed under
5.16 Minnesota Statutes, section 326B.46 or 326B.55, and this part;

5.17 (2) experience while working in Minnesota for an employer who is exempt
5.18 from being licensed as a contractor under Minnesota Statutes, section 326B.46 or 326B.55,
5.19 subdivision 1, paragraph (d), clause (2), if the water conditioning installation or servicing
5.20 work is done under the supervision of a properly licensed individual;

5.21 (3) experience while performing the practical installation and servicing of
5.22 water conditioning systems outside of Minnesota, which the department has determined is
5.23 substantially equivalent to work performed while in the employ of a licensed contractor
5.24 in Minnesota. The determination must be based on a certification by the employer for
5.25 the type of work performed; or

6.1 (4) experience while performing the practical installation and servicing of
6.2 water conditioning systems in the armed forces of the United States, which the department
6.3 has determined is substantially equivalent to the work performed while in the employ of a
6.4 licensed contractor in Minnesota. The determination must be based on a certification by
6.5 the military for the type of work performed.

6.6 B. Twelve months of experience consists of at least 1,750 hours, which may be
6.7 obtained in more than one 12-month period; however, not more than 1,750 hours shall
6.8 be credited for one calendar year.

6.9 C. The commissioner may require work records, time cards, pay records, or
6.10 other documentation necessary to evaluate experience. The commissioner shall make the
6.11 final determination about the adequacy and acceptability of an applicant's experience.

6.12 (1) An applicant for water conditioning master examination must include at
6.13 least the following number of hours in the following water conditioning aspects:

6.14 (a) installation, 450 hours;

6.15 (b) servicing, 300 hours;

6.16 (c) planning, 250 hours; and

6.17 (d) supervising, 250 hours.

6.18 The maximum allowable experience shall be zero hours before the age of 17. The
6.19 remaining required hours of practical experience may be in any aspect of water
6.20 conditioning work.

6.21 (2) An applicant for water conditioning journeyman examination must
6.22 include at least the following number of hours in the following water conditioning aspects:

6.23 (a) installation, 375 hours; and

6.24 (b) servicing, 250 hours.

7.1 The maximum allowable experience shall be zero hours before the age of 17. The
7.2 remaining required hours of practical experience may be in any aspect of water
7.3 conditioning work.

7.4 Subp. 5. **Examinations.**

7.5 A. Applications to take the water conditioning master or water conditioning
7.6 journeyman examination must be submitted on a form approved by the commissioner.
7.7 Each application must include the fee under Minnesota Statutes, chapter 326B.

7.8 B. A written examination for the licensing of water conditioning contractors
7.9 and installers shall be given at least once per year. The written licensing examination for
7.10 contractors and installers shall include questions covering one or more of the following
7.11 subject areas: relevant plumbing and installation provisions, materials and tools of
7.12 the trade, general principles of water conditioning processes, and operation of water
7.13 conditioning equipment. Additionally, the contractor's licensing examination shall include
7.14 questions covering one or more of the following subjects: calculations to determine
7.15 appropriate equipment size, and specific functions and processes involved in different
7.16 types of water conditioning.

7.17 C. A score of 70 percent shall be considered passing. The examinee shall be
7.18 notified of the results of the examination.

7.19 Subp. 6. **Renewal and expiration.** The renewal and expiration of a water
7.20 conditioning contractor, water conditioning master, or water conditioning journeyman
7.21 license shall be in accordance with Minnesota Statutes, sections 326B.092 to 326B.097,
7.22 and 326B.50 to 326B.59.

7.23 **CONTINUING EDUCATION**

7.24 **4716.0200 DEFINITIONS.**

8.1 Subpart 1. **Scope.** The definitions in this part apply to parts 4716.0205 and
8.2 4716.0210.

8.3 Subp. 2. **Continuing education program.** "Continuing education program" means a
8.4 course, seminar, workshop, or other educational offering, where interactive instruction is
8.5 provided by one or more instructors, either directly or by interactive media.

8.6 Subp. 3. **Hours of instruction.** "Hours of instruction" means the number of
8.7 classroom hours approved by the department in advance for the attendance of a continuing
8.8 education program.

8.9 Subp. 4. **Plumbing license.** "Plumbing license" means a master plumber or
8.10 journeyman plumber license issued by the department. Plumbing license does not include
8.11 a water conditioning journeyman or a water conditioning master as defined by Minnesota
8.12 Statutes, section 326B.50, subdivisions 3a and 3b.

8.13 Subp. 5. **Restricted plumber.** "Restricted plumber" means an individual who meets
8.14 the qualifications of Minnesota Statutes, section 326B.55, subdivision 1, and is licensed
8.15 by the department.

8.16 Subp. 6. **Sponsor.** "Sponsor" means a person that provides a continuing education
8.17 program approved in advance by the department.

8.18 **4716.0205 REQUIREMENTS.**

8.19 Subpart 1. **Continuing education; content.**

8.20 A. In addition to satisfying the requirements of Minnesota Statutes, chapter
8.21 326B, the following license types are required to obtain 16 hours of continuing education
8.22 instruction during the license period before the license may be renewed:

8.23 (1) master plumber;

8.24 (2) journeyman plumber; and

9.1 (3) restricted plumber.

9.2 At least 12 hours of instruction must pertain to the Plumbing Code, and at least four
9.3 hours of instruction must pertain to the technical topics related to plumbing installations
9.4 and equipment, this chapter, the Minnesota State Building Code, or Minnesota Statutes,
9.5 sections 326B.41 to 326B.49. Continuing education hours obtained by electronic media
9.6 must not exceed four hours during the renewal period.

9.7 B. In addition to satisfying the requirements of Minnesota Statutes, chapter
9.8 326B, the following license types are required to obtain four hours of continuing education
9.9 instruction during the license period before the license may be renewed:

9.10 (1) water conditioning master; and

9.11 (2) water conditioning journeyman.

9.12 At least two hours of instruction must pertain to the technical topics related to water
9.13 conditioning installation and servicing, this chapter, or Minnesota Statutes, sections
9.14 326B.50 to 326B.59.

9.15 C. In addition to satisfying the requirements of Minnesota Statutes, chapter
9.16 326B, an applicant for renewal of a medical gas installer certification is required to obtain
9.17 four hours of continuing education instruction during the certification period before the
9.18 certification may be renewed. The required hours of instruction must pertain to the
9.19 technical topics related to the installation, repair, or maintenance of medical gas systems,
9.20 this chapter, NFPA 99, or Minnesota Statutes, section 326B.438.

9.21 Subp. 2. **Application.**

9.22 A. Each applicant for the renewal of a license, registration, or certification
9.23 specified in subpart 1 must obtain during the term of the license, registration, or
9.24 certification period and before a renewal application is submitted to the department, credit
9.25 for the required hours of instruction through one or more continuing education programs
9.26 as required by this part. Continuing education hours of instruction obtained shall not

10.1 be transferred and may not be used for more than one renewal period. Carryover of
10.2 continuing education hours of instruction shall not be permitted.

10.3 B. Where an individual holds more than one type of plumbing license,
10.4 registration, or certification credits for hours of instruction may be applied to each license,
10.5 registration, or certification during the same renewal period.

10.6 **4716.0210 CREDIT FOR HOURS OF INSTRUCTION.**

10.7 Subpart 1. **Approval of continuing education programs.** To qualify as a continuing
10.8 education hour of instruction under part 4716.0205, subpart 1, a continuing education
10.9 program shall be approved in advance by the department. The sponsor shall submit
10.10 an application for approval according to Minnesota Statutes, section 326B.098. An
10.11 interactive educational program may also be approved for presentation through electronic
10.12 media. In addition to the requirements of part 4716.0205, a program presented through
10.13 electronic media that does not include real-time interaction between the presenter and the
10.14 licensee or registrant must include an examination process that ensures a licensee or
10.15 registrant has successfully completed the program.

10.16 Subp. 2. **Notification of presentations.** Not less than 30 days prior to a presentation
10.17 of a continuing education program, the sponsor shall notify the department in writing of
10.18 the date, time, and location of the program.

10.19 Subp. 3. **Instruction in another state.** Notwithstanding subparts 1 and 2, continuing
10.20 education programs that are offered in another state and have not been preapproved by
10.21 the department, shall be approved for credit if the department is provided with evidence
10.22 that the educational program meets the requirements of this part, part 4716.0205, and
10.23 Minnesota Statutes, sections 326B.098 to 326B.099, and the course has been approved
10.24 for continuing education hours of instruction or credit by a public authority licensing
10.25 plumbers or restricted plumbers in the other state.

11.1 Subp. 4. **Qualifications of instructors.** All educational programs shall be conducted
11.2 by instructors who meet the requirements of Minnesota Statutes, section 326B.099,
11.3 subdivision 3, and have the qualifications described in at least one of the following items:

11.4 A. an individual plumber license issued by the department and at least four
11.5 years' experience in plumbing inspection, plumbing installations, or teaching subjects
11.6 within the scope of plumbing work permitted by the instructor's license;

11.7 B. at least five years' practical experience in the subject being taught. An
11.8 instructor in this category may only be approved for instruction on technical topics related
11.9 to plumbing installations and equipment; or

11.10 C. an instructor certified by a national plumbing-related training program.

11.11 Subp. 5. **Credit for teaching.** Instructors of educational programs approved under
11.12 this part shall receive instruction credit for each hour of instruction allowable under
11.13 subpart 1.

11.14 Subp. 6. **Report of credits earned.** Within 14 days after presentation of an
11.15 educational program for credit under part 4716.0205, the sponsor shall provide a
11.16 certificate of completion to each licensee or registrant in attendance and shall forward an
11.17 attendance list and original attendance sign-in document to the department on a form
11.18 supplied by the department, or in a format approved by the department. Each certificate of
11.19 completion and attendance list shall include the name of the sponsor, date and location of
11.20 the presentation, educational program identification that was provided to the department,
11.21 hours of instruction or continuing education units, and the licensee's or registrant's name
11.22 and license or registration number or the last four digits of the applicant's Social Security
11.23 number. The attendance list must be typewritten and provide a summary of each attendee's
11.24 hours for each course attended.

12.1 Subp. 7. **Credit for completing an educational program.** Participants in an
12.2 educational program must complete the entire program to receive credit. Partial credit
12.3 must not be granted.

12.4 **REPEALER.** Minnesota Rules, parts 4715.5800; and 4715.6000, are repealed.

12.5 **EFFECTIVE DATE.** Parts 4716.0010 to 4716.0210 are effective 180 days after the
12.6 board adopts the rules, or five working days after publication of the notice of adoption in
12.7 the State Register, whichever occurs later.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Adopting Plumber Licensing, Certification and Registration, and Continuing Education

AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapters 4715 and 4716

The attached rules are approved for
publication in the State Register

Sheree Speer

Sheree Speer
Assistant Revisor