

VOLUME 48, ISSUE 21
ISSUE DATE: **NOVEMBER 7, 2016**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF EXAMINERS OF MASTER PLUMBERS

Adopted Amendments: N.J.A.C. 13:32-2.6 and 7.7

Adopted New Rules: N.J.A.C. 13:32-2.6A, 2.6B, 7.8, and 7.9

Renewal of License; License Reactivation; License Reinstatement; Renewal of Certificates; Certificate Reactivation; Certificate Reinstatement

Proposed: January 19, 2016, at 48 N.J.R. 112(a).

Adopted: July 28, 2016, by the New Jersey Board of Examiners of Master Plumbers, Peter Voros, Chairman.

Filed: October 3, 2016, as R.2016 d.147, **without change**.

Authority: N.J.S.A. 45:14C-7.

Effective Date: November 7, 2016.

Expiration Date: May 21, 2022.

[page=2372] **Summary** of Public Comment and Agency Response follows:

The Official comment period ended March 19, 2016. The Board received one comment from Dan O’Gorman.

COMMENT: The commenter supports the amendments and new rules.

RESPONSE: The Board thanks the commenter for his support.

Federal Standards Statement

A Federal standards analysis is not required because there are no applicable Federal laws or standards applicable to the adopted amendments or new rules.

Full text of the adoption follows:

SUBCHAPTER 2. APPLICATION, EXPERIENCE REQUIREMENTS, EXAMINATION

13:32-2.6 Renewal of license

(a) (No change.)

(b) The Board shall send a notice of renewal to each licensed master plumber, at least 60

days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.

(c) A licensed master plumber shall renew his or her license for a period of two years from the last expiration date. The licensed master plumber shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:32-5.1 prior to the date of expiration of the license.

(d) A licensed master plumber may renew his or her license by choosing inactive status. A licensed master plumber electing to renew as inactive shall return his or her pressure seal to the Board. A licensed master plumber with an inactive license shall not practice as a licensed master plumber, or hold himself or herself out as eligible to practice as a licensed master plumber, in New Jersey until such time as the license is returned to active status.

(e) If a licensed master plumber does not renew the license prior to its expiration date, the licensed master plumber may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:32-5.1. During this 30-day period, the license shall be valid and the licensed master plumber shall not be deemed practicing without a license.

(f) A licensed master plumber who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(g) A person who continues to practice or hold himself or herself out as a licensed master plumber after being suspended pursuant to (f) above shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:14C-12.3 and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the person.

13:32-2.6A License reactivation

(a) A licensed master plumber who holds an inactive license pursuant to N.J.A.C. 13:32-2.6(d) may apply to the Board for reactivation of the inactive license. A licensed master plumber seeking reactivation of an inactive license shall submit:

1. A renewal application;
2. A certification of employment listing each job held during the period the license was inactive, which includes the names, addresses, and telephone number of each employer;
3. The renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:32-5.1; and
4. Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:32-6.1.

(b) An applicant who holds a valid, current license in good standing issued by another state to practice as a licensed master plumber and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of

(a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above shall apply.

(c) The Board shall return the licensed master plumber's pressure seal when the licensed master plumber returns to active status.

(d) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reactivation of licensure to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:

1. Length of time the license was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any professional or occupational board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to practice as a licensed master plumber or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license issued to the applicant by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to practice as a licensed master plumber or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:32-2.6B License reinstatement

(a) A person who has had his or her license suspended pursuant to N.J.A.C. 13:32-2.6(f) may apply to the Board for reinstatement. A person applying for reinstatement shall submit:

1. A reinstatement application;
2. A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone number of each employer;
3. The renewal fee set forth in N.J.A.C. 13:32-5.1 for the biennial period for which

reinstatement is sought;

4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;

5. The reinstatement fee set forth in N.J.A.C. 13:32-5.1; and

6. Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:32-6.1.

(b) An applicant who holds a valid, current license in good standing issued by another state to practice as a licensed master plumber and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above shall apply.

(c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reinstatement of licensure to take [page=2373] and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:

1. Length of time the license was suspended;

2. Employment history;

3. Professional history;

4. Disciplinary history and any action taken against the applicant's license by any professional or occupational board;

5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to practice as a licensed master plumber or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

6. Pending proceedings against a professional or occupational license issued to the licensee by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. Civil litigation related to practice as a licensed master plumber or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

SUBCHAPTER 7. MEDICAL GAS PIPING

13:32-7.7 Renewal of certificates

(a) (No change.)

(b) The Board shall send a notice of renewal to each certificant at least 60 days prior to the expiration of the certificate. The notice of renewal shall explain inactive renewal and advise the certificant of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalty or fines shall apply to the holder for any failure to renew provided that the certificate is renewed within 60 days from the date the notice is sent or within 30 days following the date of certificate expiration, whichever is later.

(c) Certificants shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:32-5.1 prior to the date of expiration of the certificate.

(d) A certificant may renew his or her certificate by choosing inactive status. A certificant with an inactive certificate shall not practice, or hold himself or herself out as eligible to practice, in New Jersey until such time as the certificate is returned to active status.

(e) If a certificant does not renew the certificate prior to its expiration date, the certificant may renew the certificate within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:32-5.1. During this 30-day period, the certificate shall be valid and the certificant shall not be deemed practicing without a certificate.

(f) A certificant who fails to submit a renewal application within 30 days of certificate expiration shall have his or her certificate suspended without a hearing.

(g) A person who continues to practice or hold himself or herself out as a certificant after being suspended pursuant to (f) above shall be deemed to have engaged in uncertified practice pursuant to N.J.S.A. 45:14C-28 and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the person.

13:32-7.8 Certificate reactivation

(a) A certificant who holds an inactive certificate pursuant to N.J.A.C. 13:32-7.7(d) may apply to the Board for reactivation of the inactive certificate. A certificant seeking reactivation of an inactive certificate shall submit:

1. A renewal application;

2. A certification of employment listing each job held during the period the certificate was inactive, which includes the names, addresses, and telephone number of each employer; and

3. The renewal fee for the period for which reactivation is sought as set forth in N.J.A.C. 13:32-5.1.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of

the certificate. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reactivation of certification to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the certificate subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the certificate. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:

1. Length of time the certificate was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's certificate by any professional or occupational board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to practice as an instructor, installer, or individual who performs only brazing incidental to the installation of medical gas piping, or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational certificate issued to the applicant by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to practice as an instructor, installer, or brazer, or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:32-7.9 Certificate reinstatement

(a) A person who has had his or her certificate suspended pursuant to N.J.A.C. 13:32-7.7(f) may apply to the Board for reinstatement. A person applying for reinstatement shall submit:

1. A reinstatement application;
2. A certification of employment listing each job held during the period of suspended certificate, which includes the names, addresses, and telephone number of each employer;
3. The renewal fee set forth in N.J.A.C. 13:32-5.1 for the biennial period for which reinstatement is sought;
4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought; and
5. The reinstatement fee set forth in N.J.A.C. 13:32-5.1.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require

the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the certificate. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reinstatement of certification to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the certificate subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the certificate. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:

1. Length of time the certificate was suspended;

2. Employment history;

3. Professional history;

[page=2374] 4. Disciplinary history and any action taken against the applicant's certificate by any professional or occupational board;

5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to practice as an instructor, installer, or individual who performs only brazing incidental to the installation of medical gas piping, or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

6. Pending proceedings against a professional or occupational certificate issued to the certificant by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. Civil litigation related to practice as an instructor, installer, or brazer, or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.