

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



Arkansas Department of Health

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Governor Sarah Huckabee Sanders

Renee Mallory, RN, BSN, Secretary of Health

Jennifer Dillaha, MD, Director

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES, PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE, AND WATER AND SEWER SERVICE LINE INSTALLATION

BACKGROUND

Pursuant to A.C.A. § 17-38-201, the Department has authority to promulgate the Rules Pertaining to Master, Journeyman, and Restricted Plumber Licenses, Plumbing and Gas Inspector Licenses, Restricted Hospital Maintenance, and Water and Sewer Service Line Installation. These rules set standards for the qualifications, examination, and licensing of master plumbers and journeyman plumbers and for the registration of apprentice plumbers, and of plumbing and gas inspectors, restricted hospital maintenance, and water and sewer service line installation.

KEY POINTS

The proposed rule:

- Updates rule to reflect requirements of Act 137 of 2023.
- Updates rule to comply with Act 457 of 2023.
- Updates rule to incorporate the Rules Pertaining to Plumbing and/or Natural Gas Inspector Certification; Rules Pertaining to Restricted Plumbers License Water and Sewer Line Installation; and Rules Pertaining to Restricted Plumbers License Hospital Maintenance into one set of Rules, and repeal each of the Rules Pertaining to Plumbing and/or Natural Gas Inspector Certification; Rules Pertaining to Restricted Plumbers License Water and Sewer Line Installation; and Rules Pertaining to Restricted Plumbers License Hospital Maintenance.
- Updates rule to include provisions for backflow preventer assembly installation and repair.

DISCUSSION

The Rules Pertaining to Master, Journeyman, and Restricted Plumber Licenses, Plumbing and Gas Inspector Licenses, Restricted Hospital Maintenance, and Water And Sewer Service Line

Installation are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the laws of the State Arkansas including, without limitation, Act 200 of 1951, as amended by Act 372 of 1957, Act 555 of 1963, Act of 1973, Act 902 of 1975, Act 816 of 1987, Acts 330 & 1293 of 1991, Acts 1217 of 2003, 248 of 2017, Acts 426, 820, and 1011 of 2019, Acts 135 and 725 of 2021.

The Rules were substantially revised and reorganized to provide for greater administrative efficiency and access to the public by combining four sets of rules into one and allow for the repeal of three sets of rules; as well as update the language for automatic military licensure pursuant to Act 137 of 2023, and incorporate the provisions of Act 457 of 2023 for automatic occupational licensure.

SECOND REVISION

We removed language that specified the number of hours required for recertification classes for Backflow Prevention Assemblies Technicians, as those hours are determined by the training platform.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

~~RULES AND REGULATIONS~~

~~PERTAINING~~

~~TO~~

~~RESTRICTED PLUMBERS LICENSE~~

~~WATER AND SEWER SERVICE LINE INSTALLATION~~

~~SECTION I. AUTHORITY~~

~~The following regulation is duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951 as amended and Act 96 of 1913 as amended. The Department may exercise such powers as are reasonably necessary to carry out the provisions of Act 200 of 1951 as amended. It may, among other things, issue restricted licenses limited to gas fitter, residential and governmental maintenance license providing that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed and providing that the Board has adopted regulations defining restrictions in type of work allowed, geographical area served, and term of that type of restricted license.~~

~~SECTION II. PURPOSE~~

~~No person shall engage in work as a Master Plumber, Journeyman Plumber or Restricted license holder called for under Act 200 of 1951 as amended unless first licensed or registered to do so by the Department of Health.~~

~~SECTION III. DEFINITIONS~~

- ~~(a) The State Board means the Arkansas State Board of Health.~~
- ~~(b) The Department means the Plumbing and Natural Gas Section of the Arkansas Department of Health.~~
- ~~(c) Administrative Authority means the individual official, board, department or agency established and authorized by the state, county, city or other political subdivision to administer and enforce the provisions of Act 200 of 1951 as adopted or amended.~~
- ~~(d) Restricted Water and Sewer Service Line Installation Plumber means a person that has met the qualification for a plumbing license to install potable water and/or sanitary sewer lines and has successfully passed the examination for such license in this State.~~
- ~~(e) Restricted phase of plumbing means potable water and/or sewer service lines installation from the point of public connection or meter and point of public disposal respectively to a point within (3) three to (5) five feet of the building.~~

- ~~(f) Administrative Authority means the individual official, board, department or agency established and authorized by the state, county, city or political subdivision to administer and enforce the provisions of Act 200 as adopted or amended.~~
- ~~(g) Restricted area means a Restricted water and/ or sewer utility system in the State currently extending or renovating service into a major service area.~~

SECTION IV. RESTRICTIONS

- ~~(a) Persons holding a Restricted Water and Sewer Service Line Installation Plumbers License for the particular phase of potable water and sanitary sewer service lines shall not perform any plumbing service other than the restricted phase for which he is licensed.~~
- ~~(b) Persons holding a Restricted Water and Sewer Line Installation Plumber's License shall not be eligible to use experience gained under such license to obtain credit toward other forms of licenses issued by the Department.~~
- ~~(c) Persons holding a Restricted Water and Sewer Line Installation Plumber's License shall not transfer a license from one phase of plumbing to any other phase or move from one restricted area to another without first resubmitting a new application to the Department.~~

SECTION V. QUALIFICATIONS

- ~~(a) The applicant for Restricted Water and Sewer Service Line Installation Plumber's shall produce evidence of his training and experience in the phase of plumbing for which he is requesting a license.~~
- ~~(b) Applicant for a Restricted Water and Sewer Service Line Installation Plumber's License, shall be responsible for providing documentation to the Department, substantiating the insufficient amount of licensed Master Plumbers to perform service line installation in a reasonable and timely manner.~~

SECTION VI. APPLICATIONS AND EXAMINATIONS

- ~~(a) Information for a Restricted Water and Sewer Service Line Installation Plumber's License shall be on an application form showing the educational experience and background of the applicant.~~
- ~~(b) The application form for a Restricted Water and Sewer Service Line Installation Plumber's License shall have a space to show the restrictions requested and the restrictions shall be indicated before consideration by the Committee of Examiners.~~
- ~~(c) All applicants shall be examined by the Department to determine competency to perform as a Restricted Water and Sewer Line Installation Plumber and on the regulations that may affect his operation.~~

SECTION VII. ~~TERMS OF LICENSE AND RENEWALS~~

- ~~(a) Holders of Restricted Water and Sewer Line Installation Plumber's License issued under the provisions of this regulations may apply for renewal annually within thirty (30) days after the expiration date of the license. The Department may renew a license after the thirty (30) day period providing there is a sufficient reason for not renewing such license in the time specified and upon payment of penalties as prescribed by regulation.~~
- ~~(b) All Restricted Water and Sewer Line Installation Plumber's License shall be reviewed annually by the Department to determine if all restrictions have met all of the provisions of these regulations. It shall be the responsibility of the license holder to provide supporting documentation to assist the Committee of Examiners in approving renewals. All documentation shall be submitted to the Department no later than thirty (30) days prior to annual renewal.~~

SECTION VIII. ~~REVOCATION OF LICENSE~~

- ~~(a) The Committee of Examiners may on its own or upon a complaint in writing duly signed and verified by the complainant, suspend or revoke any Restricted Water and Sewer Service Line Installation Plumber's License if it has reason to believe that the holder of such license has violated any provision of these regulations, any rule or order prescribed by the Board or has demonstrated incompetency to act as a Restricted Water and Sewer Service Line Installation Plumber.~~

~~The use of a Restricted Water and Sewer Service Line Installation Plumber's License to do plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation of such license by the Committee of Examiners providing the licensee is duly notified within thirty (30) days of violation and pending a full hearing in accordance with the Administrative Procedures Regulation of the Arkansas Department of Health.~~

SECTION IX. ~~HEARINGS~~

~~In the case of each final order issued by the Department, any affected party may within 30 days of such order submit a written request for a hearing to the Director of the Department. **NOTICE.** All hearings will be scheduled within a reasonable time and held after reasonable notice has been provided to all known affected parties.~~

SECTION X. ~~SEVERABILITY~~

~~If any provision of these Regulations, or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or applications of these Regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.~~

~~SECTION XI. REPEAL~~

~~All Regulations and parts of Regulations in conflict herewith are hereby repealed.~~

ARKANSAS STATE BOARD OF HEALTH

RULES PERTAINING TO ~~PLUMBERS LICENSE FEE, EXPIRATION, RENEWAL, JOURNEYMAN PLUMBER, MASTER, JOURNEYMAN, AND PLUMBER AND RESTRICTED PLUMBER~~ LICENSES, PLUMBING AND GAS FEES, EXPIRATIONS, RENEWALS AND QUALIFICATIONS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE, WATER AND SEWER SERVICE LINE INSTALLATION



PROMULGATED UNDER THE AUTHORITY OF
ARK. CODE ANN. §17-38-101, et seq.

Effective Date:

Arkansas Department of Health
Renee Mallory, RN, BSN,
Secretary of Health

Jennifer Dillaha, MD
Director and State Health Officer

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

May 8, 2022 **TABLE OF CONTENTS**

SECTION I. AUTHORITY AND PURPOSE	4
(A) AUTHORITY:	4
(B) PURPOSE	4
(C) DEFINITIONS	4
SECTION II. QUALIFICATIONS	6
(A) MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER QUALIFICATIONS	6
(B) ELIGIBILITY FOR CERTIFICATION AS PLUMBING INSPECTOR OR GAS INSPECTOR	8
(C) QUALIFICATIONS FOR PLUMBING INSPECTOR AND NATURAL GAS INSPECTOR	8
(D) EXAMINATIONS FOR CERTIFICATION AS PLUMBING INSPECTOR OR GAS INSPECTOR	9
(E) QUALIFICATIONS FOR RESTRICTED HOSPITAL MAINTENANCE PLUMBER'S LICENSE	9
(F) EXAMINATIONS FOR RESTRICTED HOSPITAL MAINTENANCE PLUMBER'S LICENSE	9
(G) QUALIFICATIONS FOR RESTRICTED WATER AND SEWER SERVICE LINE INSTALLATION PLUMBER'S LICENSE	9
(H) EXAMINATIONS FOR RESTRICTED WATER AND SEWER SERVICE LINE INSTALLATION PLUMBER'S LICENSE	9
(I) QUALIFICATIONS FOR LICENSURE UNDER THE ARKANSAS OCCUPATIONAL LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND SPOUSES ACT OF 2021	10
(J) RECIPROCAL LICENSING	11
(K) AUTOMATIC OCCUPATIONAL LICENSURE FOR OUT-OF-STATE LICENSURE ACT, ACT 457 OF 2023	12
SECTION III. FEES	13
(A) FEES FOR MASTER, JOURNEYMAN AND RESTRICTED PLUMBER	13
SECTION IV. LICENSURE TERMS AND RENEWALS	15
(A) TERM OF EXPIRATION AND RENEWALS FOR MASTER, JOURNEYMAN, AND APPRENTICE PLUMBERS	15
(B) TERM OF CERTIFICATION FOR PLUMBING INSPECTOR OR GAS INSPECTOR AND RENEWALS	16
(C) TERM OF LICENSE AND RENEWALS FOR RESTRICTED HOSPITAL MAINTENANCE PLUMBER'S LICENSE	17
(D) TERMS OF LICENSE AND RENEWALS FOR RESTRICTED WATER AND SEWER SERVICE LINE INSTALLATION PLUMBER'S LICENSE	17
(E) RESTRICTIONS	17
(F) DEFERMENT OF MASTER OR JOURNEYMAN PLUMBER LICENSE	18
SECTION V. REVOCATION AND REINSTATEMENT OF LICENSES	18
(A) REVOCATION OF LICENSE	18
(B) REINSTATEMENT OF MASTER, JOURNEYMAN, OR APPRENTICE PLUMBER LICENSE	19
SECTION VI. TRANSFER OF MASTER PLUMBER LICENSE TO JOURNEYMAN PLUMBER LICENSE	20
SECTION VII. PROHIBITING CRIMINAL OFFENSES	23
(A) APPLICABILITY TO LICENSURE	23
(B) WAIVER	24
(C) PRE-LICENSURE PROHIBITING OFFENSE DETERMINATION	24
SECTION VIII. CORRECTION OF VIOLATIONS	24
SECTION IX. PLUMBING AND GAS CODE	25
SECTION X. TEMPORARY PERMITS/ PROVISIONAL LICENSING	25
(A) QUALIFICATIONS FOR TEMPORARY REVOCABLE PERMITS	25
SECTION XI. HEARINGS	27
SECTION XII. SEVERABILITY	28

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

SECTION XIII. REPEAL28

SECTION XIV. CERTIFICATION28

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

SECTION I. AUTHORITY AND PURPOSE

(a) Authority:

The following ~~Amendment to the Arkansas State Plumbing Code is~~ Rules are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 96 of 1913, as amended, and Act 200 of 1951, as amended by Act 372 of 1957, Act 555 of 1963, Act of 1973, Act 902 of 1975, Act 816 of 1987, Acts 330 & 1293 of 1991, Acts 1217 of 2003, 248 of 2017, Act 426 of 2019, Act 820, 2019 and Act 1011 of 1991.

~~(a)~~(b) Purpose

The ~~Board~~State Board of Health, by rule and after public hearing, may set reasonable license or examination fee for all licenses called for under Act 200 of 1951 as amended including, but not limited to, Master Plumber Licenses, Journeyman Plumber License, Apprentice Plumber License registration. It may, among other things, issue restricted licenses and ~~provided that the Board has adopted~~ rules defining restrictions in the type of work allowed, geographical area served, and term of that type of restricted license.

Restricted Plumber Licenses are limited to gas fitter, ~~and~~ governmental maintenance, service line installation, solar mechanic and hospital maintenance licenses provided that the ~~licensee~~applicant has demonstrated competency for the particular phase of plumbing for which the person is licensed ~~including plumbing and/or gas inspector certification.~~

~~(b)~~(c) Definitions

~~(i) The State Board means the Arkansas Board of Health.~~

~~(ii) The Department means the Plumbing and Natural Gas Section of the Arkansas Department of Health.~~

(i) “Automatic licensure” means granting the occupational licensure to individuals who establishes residency in this state and qualifies under the Arkansas Occupational Licensing Of Uniformed Service Members, Veterans, And Spouses Act of 2021, without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.

(ii) “Automatic Occupational Licensure” means the granting of occupational licensure to an applicant who establishes residency in this state without the individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.

(iii) The “Administrative Authority” means the individual official, board, Department or agency established and authorized by the state, county, city or other political subdivision to administer and enforce the provisions of Act 200 of 1951 as adopted or amended.

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- (iv) An “Apprentice Plumber” means a person other than a Master, Journeyman, or Restricted license holder who is registered under an Arkansas Master Plumber and enrolled in the Apprentice Plumber training program outlined in Ark. Code Ann. §17-31-401, et seq.
- (v) The “Department” means the Plumbing and Natural Gas Section of the Arkansas Department of Health.
- (vi) A “Department Accredited Training Program for Backflow Prevention Assembly Testing” is a forty-hour course of classroom, including, but not limited to, related plumbing codes and wet lab training approved by the Department, followed by an examination.
- (vii) A “Gas Inspector” means an appointed person qualified for inspecting all aspects of natural gas installation, as defined under Act 200 of 1951, as amended.
- (viii) A “Gas Utility” means a firm or corporation engaged in the distribution of natural gas, manufactured gas and/or a mixture of natural gas and manufacturing gas, delivered to the consumer through a system of distribution piping.
- (ix) A “Gas Utility Serviceperson” means an employee of a gas utility specially trained for gas service work with the utility.
- (x) A “Hospital Maintenance Plumber” means a hospital employee other than a Supervising Hospital Maintenance Plumber who is engaged in practical hospital maintenance plumbing under supervision.
- (xi) “Hospital Maintenance Plumbing” means the repair and/or replacement of potable water piping, natural gas piping, fixtures, appliances and appurtenances in the connection with the water supply, sanitary drainage or gas systems of a hospital, convalescent facilities, or both.
- (xii) “Hospital Maintenance Trainee” means a hospital employee who is engaged in learning, acquiring experience and assisting licensed Hospital Maintenance Plumbers in order to become a Hospital Maintenance Plumber.
- ~~(iv)~~ (xiii) A “Journeyman Plumber” means any person other than a Master Plumber, who is engaged in the practical installation of plumbing.
- (xiv) A “Master Plumber” means any person skilled in the planning, superintending and the practical installation of plumbing and who is familiar with the laws, and rules governing the same.
- ~~(v)~~ (xv) A “Plumbing Inspector” means an appointed person qualified for inspecting all aspects of sanitary plumbing and natural gas installation as defined under Act 200 of 1951, as amended.
- ~~(vi)~~ (xvi) A “Restricted Plumber” means a person qualified ~~and licensed to install building water or sewer lines or other in a~~ special phases of plumbing ~~only~~; providing that such person has demonstrated competency for that particular phase of plumbing.

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- (xvii) “Restricted Water and Sewer Service Line Installation Plumber” means a person that has met the qualification for a restricted plumbing license to install potable water and/or sanitary sewer service lines, as defined in the Arkansas Plumbing Code, and has successfully passed the examination for such license in this State.
- (xviii) A “State Certified Backflow Prevention Assembly Testing Technician” ~~Backflow testing and~~ or “Testing and -Repair Technician” ~~repair technicians~~ means any person meeting all the applicable certifications to test ~~and/~~ or ~~test and-~~ repair backflow devices within the scope of a plumbing system.
- (xix) The “State Committee of Plumbing Examiners” means the persons designated by the State Board of Health to determine eligibility of applicants for various types of plumbing and gas licenses, in accordance with Act 200 of 1951, as amended.
- (xx) “Substantially similar” means an occupational licensing entity of another state or political subdivision of that state or territory, or district of the United States that has adopted a national model plumbing and / or gas code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.
- (xxi) A “Supervising Hospital Maintenance Plumber” means a hospital employee skilled in the planning, superintending and practical work involved with hospital maintenance plumbing who is familiar with all laws and rules pertaining to such plumbing and who is responsible for such work in the hospital where they are employed.
- (xxii) A “Uniformed service member” means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.
- ~~(vii)~~(xxiii) A “Uniformed service veteran” means a former member of the United States uniformed services discharged under conditions other than dishonorable.

SECTION II. QUALIFICATIONS

(a) Master, Journeyman, And Restricted Plumber Qualifications

- (i) An applicant for the Master Plumber examination shall have a minimum of five (5) years’ experience and an applicant for Journeyman Plumber examination licensing shall have a minimum of four (4) years’ experience or its equivalent.
- (ii) The State Committee of Plumbing Examiners shall approve an applicant for Master or Journeyman or Restricted Plumber examination provided that the applicant is currently licensed as a Master or Journeyman Plumber or Restricted Plumber in another state or political subdivision of that state or territory, or district of the United States with which the Committee

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

has no reciprocation and whose plumbing laws and codes are substantially similar to those of the state of Arkansas and:

(1) Holds his or her occupational licensure in good standing;

(2) Has not had his or her occupational licensure revoked for and an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;

(3) Is sufficiently competent in his or her field, and;

(4) Pays the required license fee.

(5) In no case shall apprenticeship, education, or training be a prerequisite or condition for reciprocal licensure except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.

(iii)The State Committee of Plumbing Examiners may approve an applicant under the following conditions for Master or Journeyman or Restricted Plumber examination that is not currently licensed in another state or its political subdivision or territory, or district of the United States and who has no plumber licensing background, provided the applicant shows proof of experience as a plumber as outline in (i) of this Section.

(1) Is sufficiently competent in his or her field, and;

(2) Pays the required license and application fee.

The Committee shall use the least restrictive requirements by allowing the licensing candidate to show proof experience in the form of records, affidavits, or bona fide evidence from current or former employers, or persons who can attest to the applicant's work background as a plumber.

(iv)The State Committee of Examiners shall consider an Apprentice Plumber for the Journeyman Plumber examination provided the Apprentice Plumber has successfully completed the training as defined under the Arkansas plumber apprenticeship rules of apprenticeship as required in Ark. Code Ann. §17-38-409.

(v) The State Committee of Plumbing Examiners may consider applicants for Master Plumber examination who are professional engineers with special expertise in plumbing engineering.

(vi)Individuals applying for and obtaining a Journeyman Plumber licensing must hold that license for one (1) full year before becoming eligible for the Master Plumber examination, in cases of extreme hardship, the State Committee of Plumbing Examiners may waive the one (1) year requirement in whole or in part.

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

(vii) Applicants for both the State Backflow Preventer Assembly Repair and Tester Certificate of Competency shall be competent and shall possess the necessary skills to perform the functions related to the license for which they are applying.

(viii) Applicants for the State Backflow Prevention Assembly Testing Technician Certification shall have;

(1) Successfully completed a Department Accredited Training Program for Backflow Prevention Assembly Testing, or;

(2) Applicants shall produce documentation of training in a program that is substantially similar to a Department Accredited Training Program for Backflow Prevention Assembly Testing and hold a current, substantially similar license in another state.

(ix) Applicants for the State Backflow Prevention Assembly Repair Technician Certification shall hold a current Arkansas Backflow Prevention Assembly Testing Technician Certification and:

(1) Shall have successfully completed a Department Accredited Training Program for Backflow Prevention Assembly Repair; or,

(2) Shall produce documentation of training at a program that is substantially similar to a Department Accredited Training Program for Backflow Repair and hold a current, substantially similar license in another state.

(x) Applicants shall be current on all required continuing education related to the license for which they are applying. Documentation of current certification or recertification is required.

(xi) Applicants are responsible for providing all required documents.

(b) Eligibility For Certification as Plumbing Inspector or Gas Inspector

(i) Any duly appointed plumbing inspector, assistant plumbing inspector, gas inspector, when such appointment is made by the state or by any county, city or town, having authority over a system of either water, sewer, or natural gas utility or a combination of utilities, or by any water district, water association, sewer district, sewer association, or any water, or gas utility, shall be eligible for certification by the Department. Any other persons determined to be eligible for certification by the State Committee of Plumbing Examiners for the State of Arkansas.

(c) Qualifications for Plumbing Inspector and Natural Gas Inspector

(i) In order to be examined for a Certified Plumbing Inspector, Natural Gas Inspector, or both, an applicant must:

(1) Be able to read and write;

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

(2) Be currently employed as a Plumbing Inspector by a city, town, county, or other municipality within the State of Arkansas having authority over a system of either water, sewerage, or natural gas utility or a combination of utilities, that has adopted or is adopting the State Plumbing Code by rule or ordinance or by any water district, water association, sewer district, sewer association, or any water, or natural gas utility; and,

(3) Be competent to perform the required duties.

(d) Examinations for Certification as Plumbing Inspector or Gas Inspector

(i) Examinations Certification as Plumbing Inspector or Gas Inspector will be given on an as needed basis by the Department at various times and places. The examination will cover the Arkansas State Plumbing and Natural Gas Code, as amended. A score of 70% or greater is considered a passing score.

(e) Qualifications for Restricted Hospital Maintenance Plumber's License

(i) The applicant for a Restricted Hospital Maintenance Plumber's License shall produce evidence of his or her training and experience in the phase of plumbing for which they are requesting a license.

(ii) Applicants for a Restricted Supervising Hospital Maintenance Plumber's Licenses shall have a minimum of five (5) years hospital maintenance plumbing experience or its equivalent, one (1) year as a licensed Restricted Hospital Maintenance Plumber.

(iii) Applicants for a Restricted Hospital Maintenance Plumber's License shall have served four (4) years as a registered Restricted Hospital Maintenance Plumber Trainee.

(iv) Restricted Hospital Maintenance Plumber Trainees shall register with the Department in order to record the training and experience gained under the Restricted Supervising Hospital Maintenance Plumber.

(f) Examinations for Restricted Hospital Maintenance Plumber's License

(i) All applicants shall be examined by the Department to determine competency to perform as a Restricted Hospital Maintenance Plumber and on the Rule that may affect his or her operation.

(ii) All applicants shall be examined on the basis of competency of the restricted phase of plumbing they may be performing and on laws, rules that may affect his or her operation.

(g) Qualifications for Restricted Water and Sewer Service Line Installation Plumber's License

(i) The applicant for Restricted Water and Sewer Service Line Installation Plumber's License shall produce evidence of his or her qualifications, training and experience in the phase of plumbing for which they are requesting a license.

(h) Examinations for Restricted Water and Sewer Service Line Installation Plumber's License

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

(i) All applicants shall be examined by the Department to determine competency to perform as a Restricted Water and Sewer Line Installation Plumber and on the Arkansas Plumbing Code, laws, and rules applicable to his or her phases of plumbing licensure unless eligible for reciprocity.

(i) Qualifications for Licensure Under the Arkansas Occupational Licensing Of Uniformed Service Members, Veterans, And Spouses Act of 2021

(i) Applicability

This Rule applies to a:

(1) uniformed service member stationed in the State of Arkansas;

(2) uniformed service veteran who resides in or establishes residency in the State of Arkansas;

(3) The spouse of (1) or (2) including a:

a) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;

b) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(ii) Automatic Licensure

Automatic Licensure shall be granted to persons listed in section 2 if:

(1) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States and;

(2) The person pays the applicable licensure fee in ~~SECTION III~~SECTION V LICENSE FEES unless eligible for fee exemption through Act 725 of 2021.

(iii)Credit Toward Initial Licensure

Relevant and applicable uniformed service education, training, national certification, or service-issued credential shall be accepted toward initial licensure ~~for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.~~

(iv)Expiration Dates and Continuing Education

(1) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

(2) A uniformed service member or spouse shall be exempt from any applicable continuing education or recertification requirements for backflow testing and repair technicians and plumbing and gas inspectors for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

~~(4)~~ Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of any applicable continuing education within the one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(3)

(j) Reciprocal Licensing

(i) The State Committee of Plumbing Examiners, as a means of facilitating interstate practice, may enter into reciprocal agreements with other states regarding plumber licensing.

(ii) An applicant applying for reciprocal licensure shall meet the following requirements:

(1) The applicant shall hold a plumber's license in another United States jurisdiction that are substantially similar to an Arkansas plumbers' licensure requirements as established by these rules.

(2) The applicant shall hold his or her occupational licensure in good standing.

(3) The applicant shall not have had a license revoked for an act of bad faith or a violation of laws, rule or ethics.

(4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction.

(5) The applicant shall be sufficiently competent in the plumbing and natural gas installations.

(iii) The Committee of Examiners shall apply the least restrictive requirements for an applicant applying for reciprocal licensure unless it is required as a condition of reciprocity with another United States jurisdiction:

(1) Examinations shall not be required; and,

(2) Apprenticeship, education, or training shall not be required as a prerequisite to licensure except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.

(iv) An applicant shall submit a completed application, the required fee, and the documentation described below.

(1) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information:

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- a) Copy of plumber's license from the other jurisdiction(s); and
 - b) Completion of required forms from the other jurisdiction(s) showing the candidates licensing status including suspensions and revocations, types of examinations administered, and types of plumbing and gas codes used. The Committee may use online or telecommunications to other licensing jurisdiction for verification of information.
 - c) Candidates shall also be required to submit the names of all states in which the candidate is either currently or has been previously licensed in and confirmation that the license is in good standing. The Committee has the authority to verify candidate licensing information.
- (k) Automatic Occupational Licensure for Out-of-State Licensure Act, Act 457 of 2023
- (i) This subsection (k) shall not apply to any applicant who held a license that is the subject of a reciprocal agreement between another state and the Arkansas Department of Health.
 - (ii) An applicant shall be eligible for automatic occupational licensure if:
 - (1) The applicant has established residency in Arkansas and is either:
 - a) in good standing for at least one (1) year for a Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, or Water and Sewer Service Line Installation license with similar scope of practice issued by another state, territory, or district of the United States; or,
 - b) has worked for at least three (3) years in the Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, and or Water and Sewer Service Line Installation occupation in another state, territory, or district of the United States that does not use an Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, and Water and Sewer Service Line Installation licensure to regulate the Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, and Water and Sewer Service Line Installation occupation for which the applicant is applying;
 - (2) The applicant does not have a disqualifying criminal offense under Ark. Code Ann. §17-3-102 or under any additional state law relating to the Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, or Water and Sewer Service Line Installation licensure;
 - (3) The applicant does not have a complaint, allegation, or investigation pending in his or her occupational activity in this state or in the state of the applicant's previous residency where the Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

Hospital Maintenance, and or Water and Sewer Service Line Installation licensure was granted; and,

(4) The applicant pass an examination specific to relevant state laws that regulate the Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, or Water and Sewer Service Line Installation occupation.

(iii)The Department of Health may waive the requirement for the applicant to pass an examination specific to relevant state laws that regulate the Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, or Water and Sewer Service Line Installation occupation if the Department finds that:

(1) The combination of the applicant's education, training, and experience is a sufficient substitute for the state law examination requirement; and,

(2) A waiver by the Department will not harm public health, safety, or welfare.

(iv)Upon the applicant being granted automatic occupational licensure, the applicant shall:

(1) Meet all other Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, or Water and Sewer Service Line Installation licensure requirements; and,

(2) Meet all renewal requirements of the Master, Journeyman, and Restricted Plumbing, Plumbing and Gas Inspector, Restricted Hospital Maintenance, or Water and Sewer Service Line Installation licensure, including, without limitation, a criminal background check and continuing education hours.

SECTION III. FEES

(a) Fees for Master, Journeyman And Restricted Plumber

~~(viii)~~(i) Application ~~/Examination~~ Fees

(1) The application ~~/examination~~-fees for Master, Restricted Supervisor Solar Mechanic, Restricted Residential Maintenance, Restricted Governmental Maintenance, Restricted Supervisor Hospital Maintenance, Restricted Water and Sewer Service Line Installation and Restricted Supervisor Gas Fitter Plumbers shall be one hundred twenty-five dollars (\$125.00).

(2) The application ~~/examination~~-fees for Journeyman, Restricted Gas Fitter, Restricted Hospital Maintenance, and Restricted Solar Mechanic Plumbers shall be seventy-five dollars (\$75.00).

(3) The fees for additional examination due to failure to appear without proper notification or pass any portion of the test shall be fifty dollars (\$50.00).

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- (4) All non-scheduled or oral examination fees shall require an additional fifty dollars (\$50.00) per examination.
- (5) All ~~application~~ ~~/ examination~~ required fees must accompany the application when submitted.

~~(ix)~~ (ii) License Fees

- (1) The license fee for Master, Restricted Supervisor Solar Mechanic, Restricted Residential Maintenance, Restricted Water and Sewer Service Line Installation shall be two hundred dollars (\$200.00) annually.
- (2) The license fee for Restricted Supervisor Gas Fitter Plumbers shall be two hundred dollars (\$200.00) annually.
- (3) The license fee for Journeyman and Restricted Solar Mechanic Plumbers shall be seventy-~~five~~ five dollars (\$75.00) annually.
- (4) The license fee for Restricted Gas Fitter Plumber shall be seventy-five dollars (\$75.00) annually.
- (5) Registration fees for Apprentice, Restricted Gas Fitter Trainee, Restricted Hospital Maintenance Trainee, Restricted Solar Mechanic Trainee, and Plumbing or Gas Inspector shall be twenty-five dollars (\$25.00) annually.
- (6) The license fee for a Restricted Governmental Maintenance Plumbers License and Restricted Supervisor Hospital Maintenance Plumbers License shall be one hundred dollars (\$100.00) annually.
- (7) The license fee for a Restricted Hospital Maintenance Plumbers License shall be thirty-seven dollars and fifty cents (\$37.50) annually.
- (8) The license fee for a Gas Utility Serviceperson shall be twenty-five dollars (\$25.00) and the fee for Restricted Gas Utility License shall be two hundred dollars (\$200.00) annually.

~~(x)~~ (iii) Qualifications For Initial Licensure Fees Waiver

- (1) Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
 - a) Are receiving assistance through the State of Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
 - b) Were approved for unemployment within the last twelve (12) months; or

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- c) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- (2) Applicants shall provide documentation showing ~~their~~ his or her receipt of benefits from the appropriate State Agency.
 - a) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
 - b) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
 - c) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.
- (3) Applicants shall attest that the documentation provided under (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

(iv) Inspection Fees

- (1) The Department shall charge fees for inspections authorized under Act 200 of 1951 as amended. The inspection fees shall be as follows:
 - a) Each inspection\$25.00
 - b) Each additional inspection caused by the negligence of the Supervisor license holder\$35.00
- (2) The Department shall not charge an inspection fee to investigate consumer complaints or to assist the local Administrative Authority having jurisdiction over an inspection unless the Department is acting in place of said Administrative Authority.

(v) Delinquent Licenses Fees

- (1) In special cases, where back licenses fees have accumulated so as to work an extreme hardship on the applicant, the Department may allow the applicant to pay on back license fees on an installment plan. In no case may the current license fee be paid in this manner. The payments of the back fees shall be made at the discretion of the Department to fit the individual case. A license issued under such conditions shall be revoked for non- payment of any part of the fees.

~~SECTION H.~~ SECTION IV. LICENSURE ~~TERMS OF EXPIRATION~~ AND RENEWALS

- (a) Term of Expiration and Renewals for Master, Journeyman, and Apprentice Plumbers

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- (i) Master, Journeyman and Apprentice Plumbers licenses issued under the provisions of these rules shall expire annually on December 31st. The license shall be renewed by February 1st. After February 1st, a penalty of (\$5.00) per month shall be added.
- (ii) All Restricted Plumbers Licenses issued under the provisions of these rules shall expire annually on June 30th. The license shall be renewed by August 1st. After August 1st, a penalty of five dollars (\$5.00) per month shall be added.
- (iii) All Plumbing and ~~or~~ Gas Inspector's Certificates issued under the provisions of these rules shall expire annually on June 30th. The license shall be renewed by August 1st. After August 1st, a penalty of five dollars (\$5.00) per month shall be added.
- ~~(iv) In no case shall the Committee of Examiners issue more than one (1) type of license per applicant as defined under Act 200 of 1951, as amended.~~
- (iv) Arkansas Backflow Preventer Assembly Tester Competency Licenses shall expire ~~twenty-four (24) months~~ on the date of the latest certification expiration date, but no later than thirty-six (36) months from the date of the applicant's latest certification or re-certification training date.
 - (1) Renewals of Arkansas Certified Backflow Preventer Assembly Tester License shall require documented completion of a Department-approved re-certification training course, prior the expiration date.
 - (2) Arkansas Backflow Preventer Assembly Repair Competency Licenses do not expire but are invalid without a current Arkansas Backflow Preventer Assembly Tester Competency Licenses.
- (v) All licenses shall be renewed annually within thirty days after the expiration date of the license. The Department may renew a license after the thirty-day period if there is sufficient reason for not renewing in the time specified and after payment of penalties as prescribed by the rules.
- (vi) The Department may set a system of staggered expiration dates for all licenses issued by the Department.
- (vii) The Department may issue permits for less than (1) year. The cost of such permits shall be determined based upon the number of months the permit is valid divided by twelve (12) months multiplied by the amount of annual fee.
- ~~(vii)~~ (viii) All unpaid fees or penalties related to a license must be paid in full prior to annual renewal unless the licensee is honoring an ongoing payment agreement with the Department.
- (b) Term of Certification for Plumbing Inspector or Gas Inspector and Renewals
 - (i) All certificates (licenses) for plumbing inspectors shall be renewed each year. Applications for renewal shall be accompanied by the proper fee and a proof of eight (8) hours of refresher training issued by the Department.

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

(c) Term of License and Renewals for Restricted Hospital Maintenance Plumber's License

- (i) All Restricted Hospital Maintenance Plumber's Licenses issued under the provision of this rule shall be renewed annually within thirty (30) days after the expiration date of the license. The Department may renew a license after the thirty (30) day period providing there is sufficient reason for not renewing such license in the specified and upon payment of penalties as prescribed by these Rules.

(d) Terms of License and Renewals for Restricted Water and Sewer Service Line Installation Plumber's License

- (i) Holders of Restricted Water and Sewer Line Installation Plumber's License issued under the provisions of these rules may renewal annually within thirty (30) days after the expiration date of the license. The Department may renew a license after the thirty (30) day period providing there is a sufficient reason for not renewing such license in the time specified and upon payment of penalties as prescribed by rule.

- (ii) All Restricted Water and Sewer Line Installation Plumber's License shall be reviewed annually by the Department to determine if all restrictions have met all of the provisions of these rules. It shall be the responsibility of the license holder to notify the department of address and contact changes in written form. Late renewal fee and reinstatement rules and fees are addressed in the Qualifications and Rules Plumbing License.

- (iii) Holders of Restricted Water and Sewer Line Installation Plumber's License shall acquire permits, inspections, and plan reviews, for the restricted plumbing they are engaged in, as required by state plumbing codes and local ordinances.

- (iv) Holders of Restricted Water and Sewer Line Installation Plumber's License a responsible for ensuring proper sizing, materials and components related to his or her installations and repairs in respect of the building plumbing they are connecting to.

(e) Restrictions

- (i) No Plumbing Inspector or Gas Inspector certified under these rules shall perform inspections outside the area of his or her designated jurisdiction or the jurisdiction of the entity by which they were appointed unless designated to do so by agreement or appointed to do so by the Department.

- (ii) Persons holding a Restricted Hospital Maintenance Plumber's License for the particular phase of Restricted Hospital Maintenance Plumbing shall not perform any plumbing service other than the restricted phase for which ~~is~~ they are licensed.

- (iii) Persons holding a Restricted Hospital Maintenance Plumber's License shall not be eligible to use experience gained under such license to obtain credit toward other forms of licenses issued by the Department.

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- (iv) Persons holding a Restricted Hospital Maintenance Plumber's License shall not transfer a license from one phase of plumbing to any other phase or move from one area of restriction to another without first resubmitting a new application to the Department.
- (v) Persons holding a Restricted Water and Sewer Service Line Installation Plumber's License shall not perform plumbing service other than the restricted phase for which they are licensed. In no instances shall this license be used to install, repair, or replace any portion of the water distribution or building drain system as they are defined by the Arkansas Plumbing Code and designated by the Administrative Authority. This license does not include any portion of the natural gas service or system.
- (vi) Persons holding a Restricted Water and Sewer Line Installation Plumber's License shall not be eligible to use experience gained under such license to obtain credit toward other forms of licenses issued by the Department.
- (vii) Persons holding a Restricted Water and Sewer Line Installation Plumber's License shall not transfer a license from one phase of plumbing to any other phase.

~~(b)~~(f) Deferment Of Master or Journeyman Plumber License

- (i) A Master or Journeyman Plumber holding a current license may make application to the Department for deferment of such license. The Department, upon receipt of such application, may grant deferment of license. Deferments shall be made annually at a fee of twenty dollars (\$20.00) per year.
- (ii) The Department shall grant a deferment without regular or reinstatement fees to members of the Armed Services or ~~their~~ his or her spouses in accordance with Section XVIII of these rules.
- (iii) The Department may grant a courtesy deferment without regular or reinstatement fees to a Master or Journeyman Plumber who becomes a legally appointed or employed as a Plumbing Inspector.

SECTION V. REVOCATION AND REINSTATMENT OF LICENSES

(a) Revocation of License

- (i) The State Committee of Plumbing Examiners may on its own motion make investigations and conduct hearings and may on its own motion or upon complaint in writing duly signed and verified by the complainant, suspend or revoke any license called for in this rule if it has reason to believe that the holder of such license has violated any provisions of these rules or order prescribed by the State Board of Health or has demonstrated incompetency to act as a license holder as called for in this rule, pending a full hearing under the Administrative Procedures Act.
- (ii) The Department may suspend any license or certification for non-payment of the prescribed fees, or if the licensee fails to obtain annual training as prescribed by these rules.

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

(iii) The use of a Master, Journeyman or Restricted Plumber's License to do plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation of such license, pending a full hearing under the Arkansas Administrative Procedure Act.

(iv) The use of a Restricted Hospital Maintenance Plumber's License to do plumbing other than permitted by the license shall be grounds for automatic suspension or revocation of such license by the Committee of Examiners, pending a full hearing under the Arkansas Administrative Procedure Act.

(v) The use of a Restricted Water and Sewer Service Line Installation Plumber's License to perform plumbing other than the restricted phase permitted by the license shall be grounds for automatic suspension or revocation of such license by the Committee of Examiners, pending a full hearing in accordance with the Arkansas Administrative Procedure Act.

~~(e)~~(b) Reinstatement Of Master, Journeyman, or Apprentice Plumber License

(i) Reinstatement of Expired License.

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose License has expired for non-payment of renewal fees may make an application to the Department for reinstatement of license. The application must be supported with an amended experience record covering all experience subsequent to the date of the lapse. In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.

Upon receipt of the application and experience record, the Department will determine whether to reinstate without examination or whether to require an examination.

If reinstatement is granted, the applicant shall pay the applicable reinstatement fee of three hundred twenty-five dollars (\$325.00) for Master Plumber License or one hundred fifty dollars (\$150.00) for Journeyman Plumber License, in addition to any back fees and penalties assessed under Section XIII (13) of these Rules.

After a license has been delinquent for non-payment of fees for over a period five (5) consecutive years, the application for reinstatement must be supported with an amended experience record covering all experience subsequent to the date of delinquency. Upon receipt of the application and amended experience record, the Committee of Examiners will determine whether to reinstate with or without examination.

(ii) Reinstatement of Deferred License

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose license has been deferred under Section VII of these Rules may apply for reinstatement by applications to the Department. The Department may reinstate such license without

**RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION**

examination upon payment of the current license fee and a reinstatement fee of twenty dollars (\$20.00).

After a license has been deferred over a period of five consecutive years, the application for reinstatement must be supported with an amended experience record covering all experience subsequent to the date of deferment. Upon receipt of the application and amended experience record, the Committee of Examiners will determine whether to reinstate without examination or whether to require an examination.

(iii) Reinstatement of Revoked License

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose license has been revoked may make application for a new license one year after the date of revocation on an application form furnished by the Department. Such application shall contain a statement of intent to comply with all pertinent laws and rules.

The Committee of Examiners may issue a new license after the applicant has passed the prescribed examination. Fees for such license shall be the same as for a new license.

~~SECTION III.~~ SECTION VI. TRANSFER OF MASTER PLUMBER LICENSE TO JOURNEYMAN PLUMBER LICENSE.

A Master Plumber may transfer a Master Plumber License to that of a Journeyman Plumber License by application to the Department and payment of twenty dollars (\$20.00) transfer fee to cover services connected with the transfer of a license.

A Journeyman Plumber who has previously held a Master Plumber License in this state may reinstate as a Master without examination provided the applicant pay a twenty dollars (\$20.00) transfer fee plus the cost of a Master Plumber License.

If more than five (5) years have elapsed since the original transfer from Master to Journeyman, the application for transfer must be supported with an amended experience record covering all experience subsequent to the date of transfer. Upon receipt of the application and amended experience record, the Committee of Examiners shall determine whether to require an examination. If an examination is required, the examination fee for a Master Plumber License shall be charged.

~~SECTION IV. RECIPROCAL LICENSING~~

- ~~(a) The State Committee of Plumbing Examiners, as a means of facilitating interstate practice, may enter into reciprocal agreements with other states regarding plumber licensing.~~
- ~~(b) An applicant applying for reciprocal licensure shall meet the following requirements:~~
 - ~~(i) The applicant shall hold a plumber's license in another United States jurisdiction that are substantially similar to an Arkansas plumbers' licensure requirements as established by these rules.~~

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- ~~(1) There are no minimum education requirements for licensure:~~
- ~~(ii) The applicant shall hold his or her occupational licensure in good standing.~~
- ~~(iii) The applicant shall not have had a license revoked for an act of bad faith or a violation of laws, rule or ethics.~~
- ~~(iv) The applicant shall not hold a suspended or probationary license in a United States jurisdiction.~~
- ~~(v) The applicant shall be sufficiently competent in the plumbing and natural gas installations.~~
- ~~(c) The Committee of Examiners shall apply the least restrictive requirements for an applicant applying for reciprocal licensure unless it is required as a condition of reciprocity with another United States jurisdiction:~~
 - ~~(i) Examinations shall not be required;~~
 - ~~(ii) Apprenticeship, education, or training shall not be required as a prerequisite to licensure except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.~~
- ~~(d) An applicant shall submit a completed application, the required fee, and the documentation described below:~~
 - ~~(i) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information:~~
 - ~~(1) Copy of plumber's license from the other jurisdiction(s); and~~
 - ~~(2) Completion of required forms from the other jurisdiction(s) showing the candidate's licensing status including suspensions and revocations, types of examinations administered, and types of plumbing and gas codes used. The Committee may use online or telecommunications to other licensing jurisdiction for verification of information.~~
 - ~~(3) Candidates shall also be required to submit the names of all states in which the candidate is either currently or has been previously licensed in and confirmation that the license is in good standing. The Committee has the authority to verify candidate licensing information.~~
 - ~~(ii) Delinquent Licenses Fees~~
 - ~~(1) In special cases, where back license fees have accumulated so as to work an extreme hardship on the applicant, the Department may allow the applicant to pay on back license fees on an installment plan. In no case may the current license fee be paid in this manner. The payments of the back fees shall be made at the discretion of the Department to fit the individual case. A license issued under such conditions shall be revoked for non-payment of any part of the fees.~~

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

~~(c) Master, Journeyman And Restricted Plumber Qualifications~~

- ~~(i) An applicant for the Master Plumber examination shall have a minimum of five (5) years' experience and an applicant for Journeyman Plumber examination licensing shall have a minimum of four (4) years' experience or its equivalent.~~
- ~~(ii) The State Committee of Plumbing Examiners shall approve an applicant for Master or Journeyman or Restricted Plumber examination provided that the applicant is currently licensed as a Master or Journeyman Plumber or Restricted Plumber in another state or political subdivision of that state or territory, or district of the United States with which the Committee has no Reciprocity and whose plumbing laws and codes are substantially similar to those of the state of Arkansas and:
 - ~~(1) Holds his or her occupational licensure in good standing;~~
 - ~~(2) Has not had his or her occupational licensure revoked for and an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;~~
 - ~~(3) Is sufficiently competent in his or her field, and;~~
 - ~~(4) Pays the required license fee.~~
 - ~~(5) In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.~~~~
- ~~(iii) The State Committee of Plumbing Examiners may approve an applicant under the following conditions for Master or Journeyman or Restricted Plumber examination that is not currently licensed in another state or its political subdivision or territory, or district of the United States and who has no plumber licensing background, provided the applicant shows proof of experience as a plumber as outline in (i) of this Section.
 - ~~(1) Is sufficiently competent in his or her field, and;~~
 - ~~(2) Pays the required license fee.~~
 - ~~The Committee shall use the least restrictive requirements by allowing the licensing candidate to show proof experience in the form of records, affidavits, or bona fide evidence from current or former employers, or persons who can attest to the applicant's work background as a plumber.~~~~
- ~~(iv) The State Committee of Examiners shall consider an Apprentice Plumber for the Journeyman Plumber examination provided the Apprentice Plumber has successfully completed the training as defined under the Arkansas plumber apprenticeship rules of apprenticeship as required in ACA § 17-38-409.~~

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

- ~~(v) The State Committee of Plumbing Examiners may consider applicants for Master Plumber examination who are professional engineers with special expertise in plumbing engineering.~~
- ~~(vi) Individuals applying for and obtaining a Journeyman Plumber licensing must hold that license for one (1) full year before becoming eligible for the Master Plumber examination, in cases of extreme hardship, the State Committee of Plumbing Examiners may waive the one (1) year requirement in whole or in part.~~
- ~~(vii) — Applicants for both the State Backflow Preventer Assembly Repair and Tester Certificate of Competency shall be competent and shall possess the necessary skills to perform the functions related to the license for which they are applying.~~
- ~~(viii) — Applicants for the State Backflow Prevention Assembly Testing Technician Certification shall have;~~
- ~~(1) Successfully completed a Department Accredited Training Program for Backflow Prevention Assembly Testing, OR;~~
- ~~(2) Applicants shall produce documentation of training in a program that is substantially similar to a Department Accredited Training Program for Backflow Prevention Assembly Testing and hold a current, substantially similar license in another state.~~
- ~~(ix) Applicants for the State Backflow Prevention Assembly Repair Technician Certification shall hold a current Arkansas Backflow Prevention Assembly Testing Technician Certification and;~~
- ~~(1) Shall have successful completed a Department Accredited Training Program for Backflow Prevention Assembly Repair, OR;~~
- ~~(2) Shall produce documentation of training at a program that is substantially similar to a Department Accredited Training Program for Backflow Repair and hold a current, substantially similar license in another state.~~
- ~~(x) Applicants shall be current on all required continuing education related to the license for which they are applying. Documentation of certification or recertification with the past twenty-four (24) months, is required.~~

~~— Applicants are responsible for providing all required documents.~~

~~(f) Prohibiting Criminal Offenses~~

SECTION VII. PROHIBITING CRIMINAL OFFENSES

(a) Applicability to Licensure

- (i) An individual is not eligible to receive or hold a license issued by the ~~Board~~ State Board of Health if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102 et. seq. by any court in the State of

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.

(b) Waiver

~~(ii)~~(i) The ~~Board~~ State Board of Health may grant a waiver as authorized by Ark. Code Ann. § 17-3-102 in certain circumstances.

The ~~Board~~ State Board of Health is not authorized to conduct criminal background checks but may inquire about criminal convictions upon application or renewal of a license. Any applicant or licensee which provides false information to the State Board of Health ~~Board~~ regarding a criminal conviction may be subject to suspension, revocation or denial of a license.

~~(g)~~(c) Pre-Licensure Prohibiting Offense Determination

(i) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

(ii) The individual must obtain the pre-licensure criminal background check petition form from the State Board of Health ~~Board~~.

(iii) The State Board of Health ~~Board~~ will respond with a decision in writing to a completed petition within a reasonable time.

(iv) The State Board of Health ~~Board~~ response will state the reason(s) for the decision.

(v) All decisions of the State Board of Health ~~Board~~ in response to the petition will be determined by the information provided by the individual.

(vi) Any decision made by the State Board of Health ~~Board~~ in response to a pre-licensure criminal background check petition is not subject to appeal.

(vii) The State Board of Health ~~Board~~ will retain a copy of the petition and response and it will be reviewed during the formal application process.

~~SECTION V.~~ SECTION VIII. **CORRECTION OF VIOLATIONS**

An applicant applying for any license, or reinstatement of license, under any condition, shall submit satisfactory evidence, when required, that said applicant has not violated any provisions of Act 200 of 1951 as amended. Where such violations have existed, the Department may require all back license fees and penalties to be paid and all violations corrected.

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

~~SECTION VI. INSPECTION FEES~~

~~(a) The Department shall charge fees for inspections authorized under Act 200 of 1951 as amended. The inspection fees shall be as follows:~~

~~(i) Each inspection\$25.00~~

~~(ii) Each additional inspection caused by the negligence of the Supervisor license holder ...\$35.00~~

~~(b) The Department shall not charge an inspection fee to investigate consumer complaints and/or to assist the local Administrative Authority having jurisdiction over an inspection unless the Department is acting in place of said Administrative Authority.~~

~~SECTION VII.~~SECTION IX. PLUMBING AND GAS CODE

The Department may prepare and cause to be printed such codes, bulletins, or other documents for those engaged in the business and to the public upon request.

The Department may post online read only copies of the Plumbing and Gas Code. Any additional hardcopies or electronic copies of the codes and/or amended versions of existing codes may be obtained from the publisher and may require fees.

~~SECTION VIII. REVOCATION OF LICENSE~~

~~(a) The Committee of Examiners may on its own motion make investigation and conduct hearing and may on its own motion or upon complaint in writing duly signed and verified by the complainant, suspend or revoke any license called for in this rule if it has reason to believe that the holder of such license has violated any provisions of these rules or order prescribed by the Board or has demonstrated incompetency to act as a license holder as called for in this rule.~~

~~(b) The use of a Master, Journeyman or Restriected Plumber's License to do plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation of such license by the Committee of Examiners providing the licensee is duly notified within thirty (30) days of the violation and pending a full hearing under the Administrative Procedures Act.~~

~~SECTION IX.~~SECTION X. TEMPORARY PERMITS/ PROVISIONAL LICENSING

(a) Qualifications for Temporary Revocable Permits

When requested, the Department shall immediately issue temporary revocable permits or revocable provisional licensing to all plumber applicants upon approval of eligibility by ~~receipt of the application provided the~~ State Committee of Examiners ~~has approved the eligibility~~ of the applicant for the plumber examination under the following conditions:

(i) The temporary permits or provisional licensing shall be granted for ninety (90) days unless the Committee determines the candidate for licensing does not meet the criteria as noted in Section X (Reciprocity) of these rules in which case the temporary permit or provisional licensing shall

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

be revoked. The Committee may extend temporary permit or provisional licensing to exceed ninety (90) days if a hardship status is determined by the Committee for the applicant;

- (ii) Candidates for temporary permits or provisional licensing shall be required to attend the scheduled examinations unless officially excused or forfeit temporary permit or provisional licensing;
- (iii) At the end of the ninety (90) days period, a plumber apprentice shall be required to follow the rules of apprenticeship as required in ACA § 17-38-409;
- (iv) The candidate holds his or her occupational licensure in good standing;
- (v) The candidate has not had his or her occupational licensure revoked for an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary from any state, territory, or district of the United States;
- (vi) Is sufficiently competent in his or her field, and;
- (vii) Pays the required license fee.

~~SECTION X. — Uniform Service Members Licensure~~

~~(a) Definitions~~

- ~~(i) “Automatic licensure” means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.~~
- ~~(ii) “Uniformed service member” means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.~~
- ~~(iii) “Uniformed service veteran” means a former member of the United States uniformed services discharged under conditions other than dishonorable.~~

~~(b)(a) Applicability~~

~~This Rule applies to a:~~

- ~~(i) uniformed service member stationed in the State of Arkansas;~~
- ~~(ii)(i) uniformed service veteran who resides in or establishes residency in the State of Arkansas;~~

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

~~(iii)(i) The spouse of (1) or (2) including a:~~

~~(1) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;~~

~~(2)(1) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.~~

~~(e)(a) Automatic Licensure~~

~~Automatic Licensure shall be granted to persons listed in section 2 if:~~

~~(i) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States and;~~

~~(ii)(i) The person pays the applicable licensure fee in SECTION V LICENSE FEES unless eligible for fee exemption through Act 725 of 2021.~~

~~(d)(a) Credit toward initial licensure~~

~~Relevant and applicable uniformed service education, training, or service issued credential shall be accepted toward initial licensure for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.~~

~~(e)(a) Expiration Dates and Continuing Education~~

~~(i) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.~~

~~(ii)(i) A uniformed service member or spouse shall be exempt from any applicable continuing education or recertification requirements for backflow testing and repair technicians and plumbing and gas inspectors for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.~~

~~(iii)(i) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of any applicable continuing education within the one hundred eighty (180) days following the date of the uniformed service member's return from deployment.~~

SECTION XI. HEARINGS

In the case of each final order issued by the Department, any affected party may, within thirty (30) days of such order, submit a written request for hearing to the ~~Director~~ Secretary of the Department.

NOTICE: ~~All hearings will be scheduled within a reasonable time and held after reasonable notice has been provided to all known affected parties.~~

RULES PERTAINING TO MASTER, JOURNEYMAN, AND RESTRICTED PLUMBER LICENSES,
PLUMBING AND GAS INSPECTOR LICENSES, RESTRICTED HOSPITAL MAINTENANCE,
WATER AND SEWER SERVICE LINE INSTALLATION

SECTION XII. SEVERABILITY

If any provision of these rules, or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or application of these rules which can give effect without the invalid provisions of applications, and to this end the provision hereto are declared to be severable.

SECTION XIII. REPEAL

All rules and parts of rules in conflict herewith are hereby repealed.

SECTION XIV. CERTIFICATION

This will certify that the foregoing Rules Pertaining to ~~Plumbers License Fee, Expiration, Renewal, Journeyman Plumber, Master, Journeyman Plumber~~ and Restricted Plumber Licenses, Fees, Expirations ~~Expirations, and~~ Qualifications were adopted by the State Board of Health ~~Arkansas Board of Health~~ on the _____ day of _____, 2024. ~~28th of October 2021.~~

Secretary of Health

Arkansas Department of Health

NOTICE OF PUBLIC COMMENT PERIOD

The Arkansas Department of Health (ADH) is accepting public comments on the *Rules Pertaining to Master, Journeyman, and Restricted Plumber Licenses, Plumbing and Gas Inspector Licenses, Restricted Hospital Maintenance, and Water and Sewer Service Line Installation* from May 3, 2024, to June 2, 2024. The comment period is provided to allow interested parties and the public to provide any comments. The proposed rule revision with a summary of changes can be viewed online at <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules> or you may request a copy from our office at 501-661-2642

Comments on the proposed changes can also be mailed to Arkansas Department of Health, Comments/Slot #24, 4815 West Markham, Little Rock Arkansas, 72205, or emailed to adh.phc@arkansas.gov