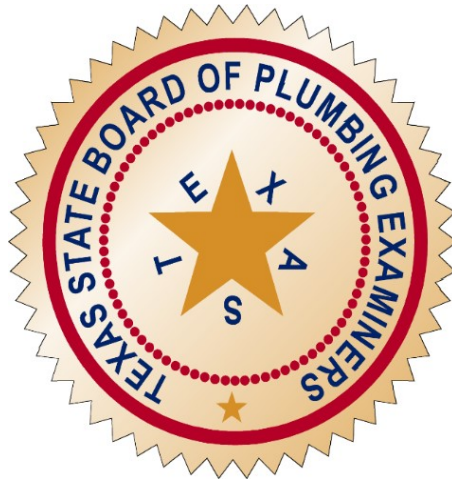


Texas State Board of Plumbing Examiners Self-Evaluation Report



***Submitted to the
Sunset Advisory Commission
September 2017***

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Texas State Board of Plumbing Examiners Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

**Texas State Board of Plumbing Examiners
Exhibit 1: Agency Contacts**

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Lisa G. Hill	929 East 41 st Street Austin, Texas 78751	(512) 936-5233 (512) 450-0637	lisa.hill@tsbpe.texas.gov
Agency's Sunset Liaison	Cristabel Bodden	929 East 41 st Street Austin, Texas 78751	(512) 936-5226 (512) 450-0637	cris.bodden@tsbpe.texas.gov

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

The mission of the Texas State Board of Plumbing Examiners (TSBPE) is to protect Texas citizens against the health and safety hazards that can result from improperly installed plumbing, gas, and medical gas systems. To protect the public's health and safety, the TSBPE ensures plumbing professionals are qualified, competent, and adhere to established professional standards.

To achieve this goal, the TSBPE administers and enforces Chapter 1301 of the Texas Occupations Code (Plumbing License Law). The statutorily-imposed duties found in the Plumbing License Law can be separated into four main categories: examination, licensing, enforcement, and administration (examinations and licensing are grouped together in a single appropriations strategy, but for practical purposes they are two separate functions.)

Although not expressly required by statute, the TSBPE believes an education component is inherent in all but its administrative function. To that end, the agency strives to raise awareness among consumers, licensees and registrants, local governments, and other stakeholders in the plumbing industry regarding the requirements of the Plumbing License Law and rules adopted by the Board, and the dangerous conditions that can arise from improperly installed plumbing.

The following table shows the types of licenses and registrations under the TSBPE's authority as well as the endorsements that may be added to a specific license type and the registrations that may be added to a Plumber's Apprentice Registration:

Type of License or Registration	Endorsements and Registrations
Master Plumber License	<ul style="list-style-type: none"> • Responsible Master Plumber Designation • Medical Gas Piping Installation Endorsement • Water Supply Protection Specialist Endorsement • Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement
Journeyman Plumber License	<ul style="list-style-type: none"> • Medical Gas Piping Installation Endorsement • Water Supply Protection Specialist Endorsement • Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement
Tradesman Plumber-Limited License	Drain Cleaner Registration
Plumbing Inspector License	<ul style="list-style-type: none"> • Medical Gas Piping Installation Endorsement • Water Supply Protection Specialist Endorsement • Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement
Plumber's Apprentice Registration	<ul style="list-style-type: none"> • Drain Cleaner-Restricted Registration • Drain Cleaner Registration • Residential Utilities Installer Registration

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

TSBPE's key functions are still needed because plumbing systems installed, repaired, and serviced by licensed plumbers, and inspected by licensed inspectors, are critical to the health and safety of the citizens of Texas. Improperly installed plumbing systems can transmit diseases such as amoebic and bacterial dysentery and cause explosions or fires that result in serious injury and property damage. Illness, serious harm or even death can occur when noxious fumes from fuel or methane gas are not properly ventilated or medical gases are contaminated due to cross-connected medical gas vacuum piping. Properly installed plumbing systems should not be taken for granted simply because we live in modern times. Rather, we must recognize that the reason plumbing-related accidents, illnesses, and injuries occur less often is due, in large part, to continued diligence in the regulation of the plumbing industry. Without this regulation, the requirements and standards developed by the Legislature to ensure the safety and quality of the plumbing industry would deteriorate.

Federal law does not require the licensing of plumbers or plumbing inspectors. However, the plumbing codes adopted by the Board and local governments incorporate many of the requirements of the Federal Safe Water Drinking Act, which is designed to protect public water systems.

The agency's key functions continue to serve a clear and ongoing objective as follows:

Examination: The TSBPE's examination function ensures that all those who hold a plumbing license or endorsement have met or exceeded minimum standards of competency and have the knowledge and experience needed to perform plumbing work properly.

Both the examinations developed by the agency and its Examination Center are currently recognized nationwide as setting some of the highest standards for the plumbing industry. Most notable are the practical "shop" components of the exams for the Tradesman Plumber-Limited License, Journeyman License, and Medical Gas Piping Installation Endorsement.

The life of any plumbing system, large or small, is determined by how well the pipe and other materials that comprise the system are prepared and assembled. Once installed, improper preparation or assembly of the materials may not be detected until the system fails. For this reason, the shop components of these exams are used to assess the examinee's skill in the preparation and assembly of materials in addition to his or her skill in installation.

Licensing: The licensing function ensures that those working in the plumbing trade are staying current with changes in the plumbing codes, knowledgeable about technical advances in the industry, and improving their skill as plumbers through continuing education. The registration of Plumber's Apprentices is vital to the growth of the industry because it provides a clear career path for obtaining a license.

Enforcement: Proactive enforcement of the Plumbing License Law, rules adopted by the Board, and plumbing codes protects both consumers and the plumbing industry. Identifying and penalizing individuals and companies offering or performing plumbing services without the proper license reduces the risk posed to consumers by improperly installed plumbing. Penalizing business owners, licensees, and registrants who fail to abide by the laws, rules, and ordinances regulating plumbing keeps industry standards high.

Education plays a key part within the Enforcement program. Most plumbers desire to "do the right thing" and abide by the laws, rules, local ordinances, and codes that regulate their industry. However, without the TSBPE's efforts to educate licensees and registrants about what is expected regarding compliance, many plumbers would find themselves in unintentional violation of these regulations. Educating consumers about the regulations helps them understand what is expected of a licensed plumber, which in turn helps them make better decisions when choosing who to hire. Additionally, when a plumber knows that a client is knowledgeable about the plumbing profession, the plumber is more likely to deliver a better service.

Raising awareness about the dangers of incorrectly installed plumbing systems also helps to deter consumers from hiring unlicensed individuals. To assist with this task, the TSBPE has developed a mobile unit that houses a display of transparent fixtures and piping used to demonstrate how easily cross-connected pipes can lead to the contamination of the water supply. These demonstrations are presented statewide to political subdivisions, high schools, career and technical educational institutions, plumbing trade associations, etc.

Indirect Administration: Indirect Administration includes supervision of all agency staff. In addition to providing leadership and guidance to meet the agency's mission and vision, the Indirect Administrative function provides for the management of day-to-day operations, implements agency objectives and monitors the agency's performance and operational effectiveness and efficiencies. The Indirect Administration strategies also perform all of the

accounting, payroll, purchasing, reporting, human resources, and facilities management tasks required by the State to operate properly and efficiently. These administrative tasks are necessary to support the agency's other key functions.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

The TSBPE's performance measures provide evidence of the TSBPE's overall effectiveness and efficiency. The agency shows its effectiveness through the planning and completion of goals and benchmarks. The agency has completed many of its goals. Some of those items are the completion of the FY 2017-2021 Strategic Plan including a customer service survey; increasing the number of online services to facilitate communications and transparency with the licensees, stakeholders and the legislature; launching a new website with updated user friendly applications; streamlining the process of notifying examinees of their scheduled examination; providing examinees with study materials electronically; moving many application processes to paperless files; remodeling the professional continuing education program; and designing and implementing a program to allow Responsible Master Plumbers to self-enter certificates of insurance through our secured site.

The agency's efficiency can also be measured by the continued contributions each fiscal year of over a million dollars above its expenditures to the general revenue fund. The total collections for the General Fund are well over \$5 million per fiscal year. These fees help fund key priorities established by Governor Abbott and the Legislature. We look to the future with Governor Abbott in supporting and strategically investing in priorities that protect the safety and security of Texans and empower the private sector to create jobs that promote and support the economic growth and success of this State.

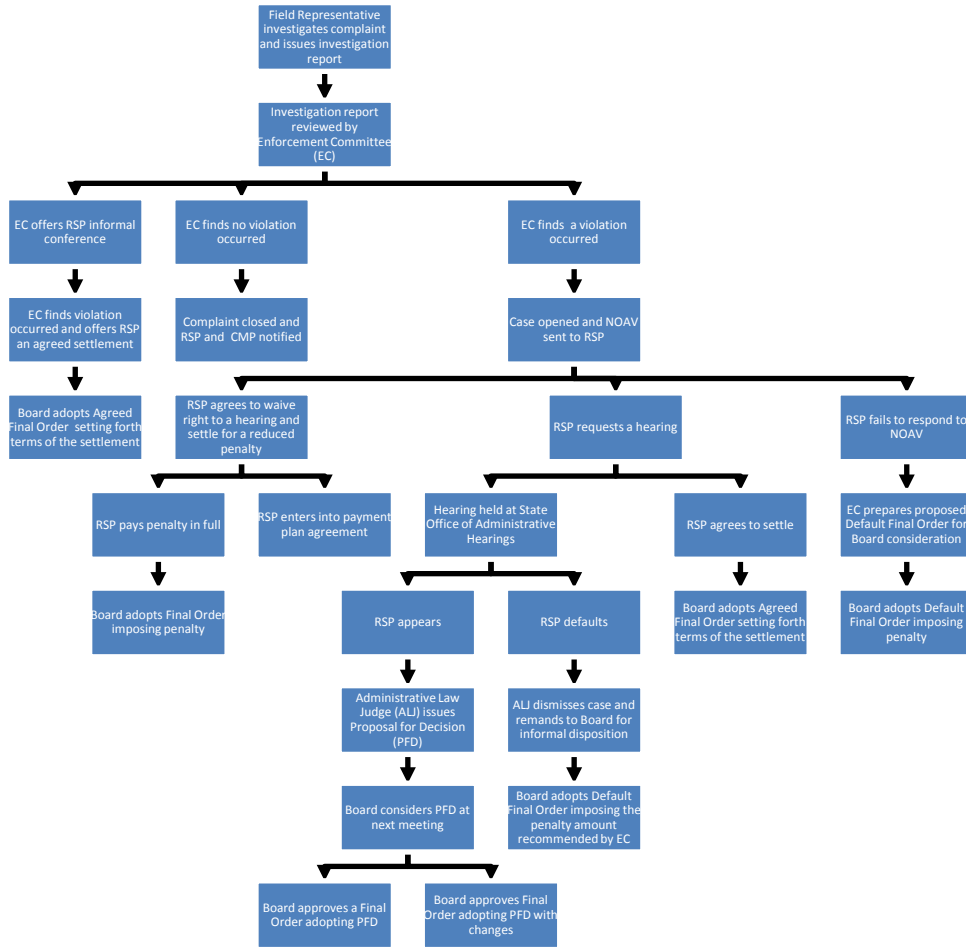
D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

Yes, the TSBPE's enabling statute correctly reflects the agency's mission and objectives. A few minor changes discussed in this report could be made to better reflect how certain functions are actually performed. Suggestions for more significant changes to assist with the enforcement of the Plumbing License Law are discussed in Section IX of this report.

E. Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

Yes, the passage of SB 2065 during the most recent legislative session will reduce the number of enforcement cases docketed at the State Office of Administrative Hearings that result in the dismissal of the case on a default basis and conserve agency resources currently spent to prosecute those cases. It will also increase the efficiency of the Enforcement Department by reducing the resolution time for certain contested cases on administrative penalties.

TSBPE Process for Imposing Administrative



F. Do any of your agency’s functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

No, there is no duplication of functions. The TSBPE is the only agency that examines and licenses plumbers, registers Plumber's Apprentices, and enforces the Plumbing License Law. Keeping the regulation of the industry within a stand-alone agency that can focus all of its time, energy, and resources on the issues unique to the plumbing trade is the best way to guarantee that professional standards and the expectations of the licensees and registrants remain at the highest level possible. In addition, the number of plumbing-related licenses, registrations, and endorsements under the TSBPE's authority is best-handled by a stand-alone agency familiar with the plumbing industry.

There is some limited overlap between the scope of work permitted under certain plumbing licenses and endorsements and the scope of work permitted under licenses, certifications, or registrations under the authority of other agencies. For example, the Texas Railroad Commission grants exemptions from the Category D licensing and examination requirements for general LP-

Gas installers and repairmen to licensed Journeyman and Master Plumbers. Such minimal overlap is commonly identified by the Legislature and addressed through statute. In the case of our example, Tex. Nat. Res. Code § 113.081(d) grants the Railroad Commission the authority to exempt Journeyman and Master Plumbers from LP-Gas licensing requirements.

G. In general, how do other states carry out similar functions?

Most states that regulate the plumbing industry license Journeyman and Master Plumbers, and many also license Plumbing Inspectors. In most states where the plumbing industry is not regulated by a state agency, cities or counties are responsible for licensing and regulatory functions.

Many states base their licensure exams on a single plumbing code that has been adopted by the state. Among the states that license Journeyman Plumbers, several administer a practical component as part of the licensing examination. Those states that have not incorporated a practical (hands on) component into their examination have indicated that they understand the need for it and are progressing toward administering a practical component.

The majority of states that license plumbers do not practice pure reciprocity with other states. Instead, they will accept a license from another state to satisfy experience requirements, while still requiring the individual to pass their licensure examination. Some states require that a Master Plumber or Plumbing Contractor carry liability insurance. Only a few states require licensees to complete continuing professional education to be eligible to renew their license.

Most of the states surveyed have enforcement programs similar to Texas. Some of the other states utilize state agency employed Field Representatives, while others rely on local Plumbing Inspectors to provide enforcement. Some of the other state agencies utilize Enforcement Committees in a similar fashion as Texas.

The TSBPE is nationally recognized for setting high standards for regulation of the plumbing industry. For example, Texas was one of the first states to implement a Medical Gas Piping Installation Endorsement to ensure the proper installation of medical gas systems in health care facilities. On numerous occasions, representatives from regulatory bodies in other states have requested to tour the Board's facilities and review the Board's programs in an effort to learn about best practices. In addition, the TSBPE's Board members and agency staff have had the opportunity to network with individuals from other states regarding issues affecting the development of plumbing codes, examinations, and enforcement.

H. What key obstacles impair your agency's ability to achieve its objectives?

The TSBPE in its planning has averted major obstacles that could impair its ability to achieve its objectives. However, the issues discussed below have impaired both efficiency and the ability to provide the highest level of customer service possible.

Database Limitations: The limited capabilities of VERSA, the TSBPE's licensing database, have impeded the speed with which the agency has been able to offer critical services such as license and registration renewals through its online licensing system (VERSA Online).

Even the most basic functions, like allowing anyone with an online user account to update their mailing address or email address, have required enhancements to the out-of-the-box software package purchased by the State. In the six years the Board has used VERSA, it has spent more than \$77,000 on these much-needed enhancements not including the additional yearly maintenance fees to further support each of the needed enhancements.

Further complicating the matter is the fact the Health Professions Council (HPC) has a limited staff and must serve as the intermediary between TSBPE staff and MicroPact—the software company that developed VERSA. HPC’s limited staff must work with multiple agencies which can slow the processing of enhancements and needed repairs for each individual agency.

Finally, there are some functions that VERSA Online can perform, but only if all seven of the Texas agencies that are served by VERSA and HPC want that function available to online users. For example, TSBPE examinees were initially able to access their exam scores online; however, this function was turned off because the TSBPE was the only agency that wanted it. The price quoted for restoring this function for just the TSBPE was \$11,000.

While the TSBPE has worked hard to cross train its employees to provide the best customer service it can to the public and its stakeholder, the agency continues to have difficulty recruiting and hiring qualified plumbers to fill its Investigator and Examiner positions as the current economic condition of the State continues to improve. Plumbers are needed across the State and the TSBPE cannot afford to compete or pay equivalent salaries offered by cities, political subdivisions or companies.

I. Discuss any changes that could impact your agency’s key functions in the near future (e.g., changes in federal law or outstanding court cases).

The TSBPE does not anticipate any changes in federal law that will impact its key functions. There are currently no court cases in which the agency is involved as a party, and the agency is not aware of any other pending litigation that could alter any of its major operations.

J. What are your agency’s biggest opportunities for improvement in the future?

The TSBPE needs to continue to implement new processes that encourage as many licensees and registrants as possible to create and consistently utilize an account for VERSA online. To achieve this goal, the TSBPE will require continued outreach and education efforts to get users comfortable with the online system. One way to achieve this goal is to slowly transition each type of license or registration to mandatory renewal online. The TSBPE has begun this process with Continuing Education Instructors in 2016. Plumbing Inspectors have also been pushed to the online service for their initial license and will all be required to renew online beginning January 2018.

The agency also plans to improve its examination processes through the use of software designed to maintain the integrity of the written portion of the examination as well as provide a faster result for the examinee and increase the number of examinations given per day. In some license and registration ranks the numbers issued and/or renewed has increase three-fold. The demand for well-qualified, trained and tested plumbers will continue to increase.

K. In the following chart, provide information regarding your agency’s key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures. See Exhibit 2 Example. Please provide information regarding the methodology used to collect and report the data.

**Texas State Board of Plumbing Examiners
Exhibit 2: Key Performance Measures — Fiscal Year 2016**

Key Performance Measures	FY 2016 Target	FY 2016 Actual Performance	FY 2016 % of Annual Target
Percentage of Complaints Resolved Resulting in Disciplinary Action	60.0%	38.6%	64.3%
Percentage of Licensees & Registrants with No Recent Violations	99.0%	99.0%	100.0%
Percent of Licensees and Registrants Who Renew Online	47.0%	46.0%	97.8%
Percent of New Individual Licenses, Registrations and Endorsements Issued Online	32.0%	30.4%	95.0%
Number of New Licenses and Registrations Issued to Individuals	10,038	10,773	107.3%
Number of Licenses, Registrations and Endorsements Renewed (to Individuals)	42,100	42,268	100.4%
Total Number of Licenses, Endorsements, and Registrations Issued	52,250	53,403	102.2%
Total Number of Compliance Checks Performed	11,650	9,856	84.6%
Number of Investigations Conducted	1,150	894	77.7%
Number of Complaints Resolved	1,250	1,182	94.6%

Table 2 Exhibit 2 Key Performance Measures

L. Please discuss any “high-value data” your agency possesses, as defined by Section 2054.1265 of the Government Code. In addition, please note whether your agency has posted those data sets on publically available websites as required by statute.

High-value data are posted on our website and easily accessible to the public. The website includes a public search function at: <http://tsbpe.texas.gov/> that allows consumers to search for licensees and registrants by name, license type, license number, city, or county.

Lists of licensees and registrants, including by the RMP showing their company name are also available. The data can be sorted by license type and is available to the public for download at: <http://tsbpe.texas.gov/portfolio/downloadable-files/>. This is essentially the same set of high value data that are accessible in different ways typically requested through an open record request but offered as a self-serve free of charge record.

In addition, the following reports containing high value data are also posted on our website:

- TSBPE Operating Budget Fiscal Year 2016

- TSBPE Agency Strategic Plan for Fiscal Years 2017-2021
- TSBPE Fiscal Year 2016 Customer Service Report
- Legislative Appropriations Request for Fiscal Years 2018 and 2019
- TSBPE Fiscal Year 2016 Annual Financial Report

III. History and Major Events

Events that changed or increased the workload of a specific department within the agency are included in Part D of Section VII - Guide to Agency Programs.

1947: The 50th Legislature (SB 188) enacted the Plumbing License Law of 1947, which created the Texas State Board of Plumbing Examiners (TSBPE) to provide for uniform statewide licensure of Master and Journeyman Plumbers and Plumbing Inspectors.

- The Board was composed of six members appointed by the Governor: a Master Plumber, a Journeyman Plumber, an architect, a sanitary engineer, a commercial builder, and a homebuilder.
- The TSBPE was self-supporting with no funds paid to or collected from the state General Fund.
- Cities of 5,000 or more inhabitants were required to adopt their own plumbing installation regulations and perform plumbing inspections using licensed Plumbing Inspectors.
- Plumbers were required to be licensed only if performing plumbing work within a city of 5,000 or more inhabitants.
- The agency had the authority to revoke a license; the penalty for working without a required license was as stated in the Penal Code of Texas.

1975: The 64th Legislature (HB 1886) classified an offense under the Plumbing License Law as a Class C Misdemeanor.

1977: The 65th Legislature (SB 54) made the TSBPE subject to the Texas Sunset Act.

1981: The 67th Legislature (SB 851) changed the Board's composition, eliminating the Architect member and adding two public members, a plumbing contractor member, and a Plumbing Inspector member. The TSBPE was also made subject to the Appropriations Act.

1987: The 70th Legislature (SB 620) classified a violation of the Plumbing License Law and Board Rules as a Class B misdemeanor and authorized the TSBPE's Field Representatives to issue citations for violations of the Plumbing License Law. Because a violation was a Class B misdemeanor, Field Representatives could not file citations in local Justice of the Peace Courts.

HB 78 granted licensed Plumbing Inspectors the authority to enforce the Plumbing License Law in addition to the Board.

1989: The 71st Legislature (HB 204, R.S.) reclassified a violation of the Plumbing License Law and Board Rules as a Class C misdemeanor to allow Field Representatives to file citations in local Justice of the Peace Courts.

1993: The 73rd Legislature (SB 815) directed the Board to adopt the Southern Standard Plumbing Code, the Uniform Plumbing Code, and the National Standard Plumbing Code, as the plumbing codes to be used for the state.

1999: Attorney General Opinion #JC-0012 clarified that municipalities may adopt a plumbing code other than the three plumbing codes named in the Plumbing License Law provided that the code adopted did not substantially vary from the three named codes. The opinion further clarified that the Board may not adopt any plumbing code other than the three named codes as they existed in 1993.

2000: The 200th Judicial District Court ruled that the TSBPE could not enter into an interagency contract with Texas Engineering Extension Service for the development of course materials for Continuing Professional Education.

2001: The 77th Legislature (HB 2813) re-codified the Plumbing License Law as Tex. Occ. Code Chapter 1301. HB 1505 changed the position on the Board for a licensed Sanitary Engineer to a licensed Professional Engineer.

HB 217 greatly expanded the TSBPE's jurisdiction by requiring that all plumbing work connected to a public water system, or performed in any city in the state be performed by a licensed plumber; replaced the Board's authority to adopt the Southern Standard Plumbing Code and the National Standard Plumbing Code with the authority to adopt the 2000 versions of the Uniform Plumbing Code and the International Plumbing Code; and allowed a Plumbing Inspector to contract with a political subdivision so long as the political subdivision paid for all inspections performed by the inspector.

SB 365 amended Chapter 214 of the Local Government Code to include a provision naming the International Residential Code as the residential building code for the state.

2003: The 78th Legislature (HB 1, R.S.) reduced the agency's FTE cap from 25 to 22 due to statewide budget restrictions. The TSBPE's sunset legislation, SB 282, continued the agency until September 1, 2015, and made the following changes to the Tex. Occ. Code Ch. 1301:

- Specified that the Enforcement Committee would be composed of staff members only and all other Board Committees would be composed of Board members only.
- Enabled the Board to set training requirements for Plumber's Apprentices.
- Equipped the Board with a full range of sanctions, including administrative penalties, restitution, and cease and desist orders.

2009: The 81st Legislature (SB 1410, R.S.) amended section 1301.351 and several definitions to clarify that licensees and registrants must work under the general supervision of a Responsible Master Plumber (RMP). SB 1354 amended the definition of "plumbing" to include equipment and systems used to distribute and circulate a liquid or gas and required a political subdivision to verify that a plumbing contractor has a certificate of insurance on file with the Board prior to issuing the plumbing contractor a permit to perform plumbing work.

SB 1 provided funding for a shared regulatory database and licensing system to be housed at the Department of Information Resources data center and supported by the Health Professions Council.

2011: The 82nd Legislature (HB 2376, R.S.) required that a Master Plumber must submit evidence of completion of a Board approved 24-hour training class regarding the laws and rules applicable to the operation of a plumbing business in the state of Texas prior to working as a "Responsible Master Plumber" and amended the definition of Responsible Master Plumber to include only those Master Plumbers who have completed a Board-approved training class regarding the laws and rules applicable to the operation of a plumbing business in the state of Texas before the person works as a Responsible Master Plumber.

2013: The 83rd Legislature (HB 2062, R.S.) granted the Board the authority to investigate the owner of a plumbing company in addition to those licensed under the Plumbing License Law and HB 2028 required the Board to give credit toward licensing requirements for verified military service, training, or education.

2015: The 84th Legislature (HB 2464, R.S.) granted TSBPE the authority to transfer a current license held for fifty consecutive years to certain family members upon the death or retirement of the transferor.

2017: The 85th Legislature (HB 2095, R.S.) - This bill increased the number of licensees eligible to transfer their license number, upon death or retirement, by lowering the number of years the licensee must consecutively hold the license from 50 to 35.

HB 3049, R.S. - This bill allows the Board to credit an applicant for a Journeyman or Tradesman Plumber-Limited examination with up to 250 hours of work experience if the applicant has completed a coherent sequence of courses in the construction trade that are offered through a career and technical education program that is approved by the Texas Education Commission.

HB 3277, R.S. – This bill allows the Board to impose a penalty against a person who is found to be in violation of the Plumbing License Law, without a hearing, (default process) if the person fails to respond to the notice informing him or her of the alleged violation.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

**Texas State Board of Plumbing Examiners
Exhibit 3: Policymaking Body**

Member Name	Appointment Dates*	Qualification	City
Julio C. Cerda, Chair	Appointed February 14, 2014 and later appointed as Board Chair on April 8, 2016. Term expires September 5, 2019.	Public Member	Mission
Enrique Castro	Appointed May 4, 2007 and later reappointed for a second term on September 29, 2011. Term expires September 5, 2017.	Master Plumber	El Paso
Ben R. Friedman	Appointed April 8, 2016. Term expires September 5, 2021.	Journeyman Plumber	Dallas
Janet L. Gallagher	Appointed September 29, 2011. Term expires September 5, 2017.	Plumbing Inspector	Pflugerville
David Anthony Garza	Appointed February 14, 2014. Term expires September 5, 2019.	Commercial Builder	San Benito
Ricardo Jose Guerra, P.E., Secretary	Appointed May 4, 2007 and later reappointed for a second term on September 29, 2011. Term expires September 5, 2017.	Professional Plumbing Engineer	Austin
Milton R. Gutierrez	Appointed November 9, 2016. Term expires September 5, 2021.	Public Member	Fort Worth
Robert F. Jalnos	Appointed April 8, 2016. Term expires September 5, 2021.	Plumbing Contractor	San Antonio
Edward Thompson	Appointed November 7, 2008 and later reappointed for a second term on February 14, 2014. Term expires September 5, 2019.	Homebuilder	Tyler

Table 3 Exhibit 3 Policymaking Body

**All Board members are appointed by the Governor, who serve six-year staggered terms.*

B. Describe the primary role and responsibilities of your policymaking body.

The Board's primary responsibility is to administer and enforce Chapter 1301 of the Texas Occupations Code (the Plumbing License Law).

C. How is the chair selected?

Pursuant to Tex. Occ. Code § 1301.157(a), the Governor designates the Board Chair who serves in that capacity at the pleasure of the Governor.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The Board is unique in that it focuses on the regulation of one industry in its entirety. In addition, four of the Board members have industry-specific knowledge and are licensees of the agency. A fifth member is a licensed Professional Engineer practicing in the field of plumbing.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2016? In FY 2017?

Historically, the Board met six times per year. However, in FY 2001, the Board Rules were amended to allow for four meetings per year—once per quarter—in an effort to reduce travel expenses. The full Board met four times in both FY 2016 and FY 2017 for scheduled meetings.

F. What type of training do members of your agency's policymaking body receive?

Board members receive training conducted by the Assistant Attorney General (AAG) assigned to the Board. The training consists of an overview of the Public Information Act, Open Meetings Act, the laws and rules applicable to the review of applications submitted by individuals with criminal convictions, and the process used to assess administrative penalties. The AAG's role as General Counsel for the Board is also explained.

The Executive Director provides information about the history of the agency and major issues affecting the plumbing industry and explains the separation between the Board's policymaking responsibilities and the staff's responsibility for the day-to-day operations of the agency. Major reports such as the Annual Financial Report, the Legislative Appropriations Request, Operating Budget, and the Report of Non-Financial Data are also provided and reviewed.

Newly-appointed Board members also attend training provided by the Office of the Governor.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

22 Tex. Admin. Code § 361.5, concerning Administration, requires the Board to delegate "those functions appropriate to the daily conduct of the Board's business of carrying out the purposes of all applicable laws and of these rules."

H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

At each quarterly meeting, Board members receive the following:

- Current statistics on the number of licensees and registrants served by the agency, including endorsements and Responsible Master Plumbers.
- Current statistics on the number of examinations administered along with a comparison to prior fiscal years.

- A summary of Investigator/Field Representative activity during the previous quarter, including number of compliance checks performed, number of investigations conducted, number of continuing education classes monitored, etc.
 - A summary of the Enforcement Committee's activity during the previous quarter, including number of meetings held, number of cases reviewed, number of cease and desist orders issued, number of administrative penalties imposed, number of applications reviewed, number of applications approved and denied, etc.
 - A financial report including appropriation balances for the current fiscal year, a revenue comparison between the current and previous fiscal years, and a comparison between the estimated number of license, registration and examination fees received during the current and previous fiscal years. Major reports such as the Annual Financial Report, the Legislative Appropriations Request, Operating Budget, and the Report of Non-Financial Data are also provided and reviewed.
 - A report from the Executive Director on changes in staff, database and IT improvements, legislative issues, overall plans and implementations of changes along with reports specific to the agency such as audits and risk assessments, etc.
- I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?**

Board members seek and receive public input during meetings of both the full Board and its committees, which are posted and conducted in accordance with the Open Meetings Act. A dedicated item for public comment is included on the agenda for every meeting. The TSBPE also sends notification of all meetings and agendas to an extensive list of industry stakeholders and posts notices, agendas, and minutes for all meetings on its website. Because the Board is comprised mainly of licensees and professionals with ties to the plumbing industry, members of the public also feel comfortable contacting individual Board members directly.

All rule changes are adopted in accordance with the Administrative Procedure Act, which allows for public comment. Major rule revisions are often discussed during a public meeting of the Rules Committee before going to the full Board for consideration to give stakeholders multiple chances to comment in person. The Board also solicits written comments on all proposed rule changes published in the *Texas Register*.

Staff receives public input via email, telephone, and in person while conducting the agency's day-to-day operations. Comments may be submitted by anyone at any time via the info@tsbpe.texas.gov email address. In addition, each examinee is given the opportunity to make anonymous comments or suggestions for improvement after completing an exam. Investigator/Field Representatives report comments, questions and concerns received while performing compliance checks or conducting cross-connection demonstrations to both the public and licensees. Comments are also received when staff attends industry-related conferences or events such as the annual meeting of the Texas State Association of Plumbing Inspectors.

Agency newsletters are periodically e-mailed to licensees and registrants, posted on the TSBPE website, and distributed to industry associations and all CPE providers. These newsletters are

intended to inform licensees of current issues facing plumbing industry and changes to agency procedures; which often generates comments.

A newly-adopted rule, effective September 1, 2017, will allow the TSBPE to post a customer satisfaction survey on its website that licensees and registrants can use to provide feedback about providers and instructors of Continuing Professional Education (CPE). Another valuable source of comments is the mandatory training held each year for CPE instructors. This is a forum where CPE Instructors are educated by Board staff on updates to the Plumbing License Law, Board Rules and day-to-day processes. Instructors are encouraged to ask questions and make suggestions directly to staff.

All comments received are compiled and reviewed by the Executive Director. Comments and suggestions relevant to policymaking are reported to the Board, while those relevant to day-to-day operations are used by staff to improve customer service, internal processes, forms, etc. When several comments indicate a gap in industry knowledge on a particular issue, clarifying information might be added to the TSBPE website or questions and answers are added to the running list of Frequently Asked Questions circulated to CPE providers and instructors.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 4 Example. In addition, please attach a copy of any reports filed by your agency under Government Code Chapter 2110 regarding an assessment of your advisory committees.

**Texas State Board of Plumbing Examiners
Exhibit 4: Subcommittees and Advisory Committees**

Name of Subcommittee*	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Audit Committee	3 Board members appointed by the Board Chair	Assists with the coordination of audits, as necessary, and reports to the Board	Tex. Occ. Code § 1301.258(a) and (b)
Continuing Professional Education (CPE) Committee	2 Board members appointed by the Board Chair	Reviews CPE course materials and applications from Publishers of Course Materials, Course Providers, and Course Instructors; solicits and reviews public input on issues related to CPE, as necessary, and reports to the Board	Tex. Occ. Code § 1301.258(a) and (b)
Enforcement Committee	3 staff members appointed by the Board Chair	Reviews applications submitted by individuals with criminal convictions and conducts informal conferences to evaluate marginal applicants; reviews Complaint Investigation Reports and makes findings regarding alleged violations	Tex. Occ. Code §§ 1301.258(c), 1301.304, 1301.4522, 1301.703, and 1301.705

Self-Evaluation Report

Name of Subcommittee*	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Examination Committee	4 Board members appointed by the Board Chair	Assists with the development of examinations for new license types; reviews the operations of the examination Department, as necessary, and reports to the Board	Tex. Occ. Code § 1301.258(a) and (b)
Legislative Resources Committee	2 Board members appointed by the Board Chair	Testifies at hearings of the House Appropriations and Senate Finance Committees, and reports to the Board	Tex. Occ. Code § 1301.258(a) and (b)
Medical Gas Piping Installation Endorsement Committee	1 Board member appointed by the Board Chair	Reviews eligibility requirements for the medical gas endorsement, as necessary, and reports to the Board	Tex. Occ. Code § 1301.258(a) and (b)
Personnel Committee	4 Board members appointed by the Board Chair	Considers personnel matters not within the authority of the Executive Director, as necessary, and reports to the Board	Tex. Occ. Code § 1301.258(a) and (b)
Rules Committee	4 Board members appointed by the Board Chair	Reviews existing rules in accordance with Tex. Gov't Code §2001.039 and makes recommendations to the Board; solicits public input on proposed new rules, amendments, and repeals and reports to the Board	Tex. Occ. Code § 1301.258(a) and (b)
Technology Committee	1 Board member appointed by the Board Chair	Reviews and assists with the development of online processes and communications	Tex. Occ. Code § 1301.258(a) and (b)
Water Supply Protection Specialist Endorsement Committee	3 Board members appointed by the Board Chair	Reviews eligibility requirements for the water supply protection endorsement, as necessary, and reports to the Board	Tex. Occ. Code § 1301.258(a) and (b)

Table 4 Exhibit 4 Subcommittees and Advisory Committees

**The Board does not utilize any advisory committees under the authority granted in Tex. Occ. Code § 1301.257.*

V. Funding

A. Provide a brief description of your agency's funding.

The TSBPE's primary source of funding is Legislative Appropriations divided between agency strategies. A small percentage of revenue is collected as Appropriated Receipts.

B. List all riders that significantly impact your agency's budget.

Non Applicable

C. Show your agency's expenditures by strategy.

**Texas State Board of Plumbing Examiners
Exhibit 5: Expenditures by Strategy — 2016 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
A.1.1 Examine & License Plumbers	\$912,223	34.8%	\$175,956
A.1.2 Texas.Gov	158,052	6.0%	-0-
A.1.3 Inspections & Enforcement	1,241,649	47.3%	25,958
B.1.1 Indirect Administration – Examination & Licensing	130,844	5.0%	18,070
B.1.2 Indirect Administration – Inspections & Enforcement	182,126	6.9%	6,734
GRAND TOTAL:	\$2,624,894	100%	\$226,718

Table 5 Exhibit 5 Expenditures by Strategy

D. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

**Texas State Board of Plumbing Examiners
Exhibit 6: Sources of Revenue — Fiscal Year 2016 (Actual)**

Source	Amount
Examination (Testing) Fees	\$192,662
Licensing and Registration Fees	4,440,605
Texas.Gov	158,052
Administrative Penalties	239,994
Sale of Publications	28,050
Conference & Seminar Fees	11,600
Other Revenues	15,823
GENERAL REVENUE TOTAL	\$5,086,786

Table 6 Exhibit 6 Sources of Revenue

E. If you receive funds from multiple federal programs, show the types of federal funding sources.

**Texas State Board of Plumbing Examiners
Exhibit 7: Federal Funds — Fiscal Year 2016 (Actual) N/A**

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
Non Applicable				-0-
TOTAL				-0-

Table 7 Exhibit 7 Federal Funds

The TSBPE does not receive any Federal funding.

F. If applicable, provide detailed information on fees collected by your agency.

**Texas State Board of Plumbing Examiners
Exhibit 8: Fee Revenue — Fiscal Year 2016**

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., <i>General Revenue Fund</i>)
Examination (Testing Revenue): Occupations Code §1301.253 Master Plumber	\$175.00 * No Maximum	728	\$116,480	General Revenue Fund
Journeyman Plumber	40.00 * No Maximum	1,120	31,353	General Revenue Fund
Tradesman Plumber – Limited License	36.00 * No Maximum	814	19,524	General Revenue Fund
Plumbing Inspector	55.00 * No Maximum	139	5,560	General Revenue Fund
Master Medical Gas Piping Installation Endorsement	80.00 * No Maximum	63	4,725	General Revenue Fund
Journeyman Medical Gas Piping Installation Endorsement	27.00 * No Maximum	211	5,275	General Revenue Fund
Inspector Medical Gas Piping Installation Endorsement	40.00 * No Maximum	31	1,085	General Revenue Fund
Master Water Supply Protection Specialist Endorsement	80.00 * No Maximum	36	2,700	General Revenue Fund
Journeyman Water Supply Protection Specialist Endorsement	27.00 * No Maximum	32	800	General Revenue Fund
Inspector Water Supply Protection Specialist Endorsement	40.00 * No Maximum	71	2,485	General Revenue Fund

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Master Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement	80.00 * No Maximum	28	2,100	General Revenue Fund
Journeyman Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement	27.00 * No Maximum	2	50	General Revenue Fund
Inspector Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement	40.00 * No Maximum	15	525	General Revenue Fund
Licensing and Registration Revenues (Initial and Renewal): Occupations Code §1301.253 Responsible Master Plumber	420.00 ** No Maximum	7,022	2,867,288	General Revenue Fund
Master Plumber	75.00 ** No Maximum	3,752	272,368	General Revenue Fund
Journeyman Plumber	40.00 ** No Maximum	12,118	459,872	General Revenue Fund
Tradesman Plumber – Limited License	35.00 ** No Maximum	2,316	76,147	General Revenue Fund
Plumbing Inspector	55.00 ** No Maximum	1,246	62,305	General Revenue Fund
Master Medical Gas Installation Endorsement	55.00 ** No Maximum	378	18,888	General Revenue Fund
Journeyman Medical Gas Installation Endorsement	14.00 ** No Maximum	827	9,924	General Revenue Fund
Inspector Medical Gas Installation Endorsement	27.50 ** No Maximum	48	1,215	General Revenue Fund
Master Water Supply Protection Specialist Endorsement	55.00 ** No Maximum	103	5,150	General Revenue Fund
Journeyman Water Supply Protection Specialist Endorsement	14.00 ** No Maximum	57	684	General Revenue Fund
Inspector Water Supply Protection Specialist Endorsement	27.50 **	65	1,665	General Revenue Fund
Master Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement	55.00 ** No Maximum	72	3,600	General Revenue Fund

Self-Evaluation Report

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Journeyman Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement	14.00 ** No Maximum	25	300	General Revenue Fund
Inspector Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement	27.50 ** No Maximum	15	383	General Revenue Fund
Plumber's Apprentice Registration	15.00 ** No Maximum	28,107	374,949	General Revenue Fund
Drain Cleaner Registration	18.00 ** No Maximum	790	12,643	General Revenue Fund
Drain Cleaner – Restricted Registration	18.00 ** No Maximum	1,011	16,174	General Revenue Fund
Residential Utilities Installer Registration	18.00 ** No Maximum	900	14,401	General Revenue Fund
Late Renewal Fees	243,051 Varies/Late fees are one half the renewal fee for less than 90 days late, and equal to the renewal fee for more than 90 days late	Varies	243,051	General Revenue Fund
Returned Item Fees	25.00	24	600	General Revenue Fund
Administrative Penalties Occupations Code §1301.702	Varies by Case No Maximum	Varies	239,994	General Revenue Fund
Texas.Gov Fees (GAA, 78 th Leg., Article VII, § 4(a))	Varies No Maximum	Varies (\$2.00 to \$5.00)	158,052	General Revenue Fund
Sale of Publications (GAA, Article IX, § 12.02 (b))	Reasonable Cost No Maximum	Varies	28,050	General Revenue Fund
Conferences and Seminars (GAA, Article IX, § 8.07)	100.00 No Maximum	116	11,600	General Revenue Fund
Miscellaneous Revenues Occupations Code §1301.253	Reasonable Cost No Maximum	Varies	15,224	General Revenue Fund

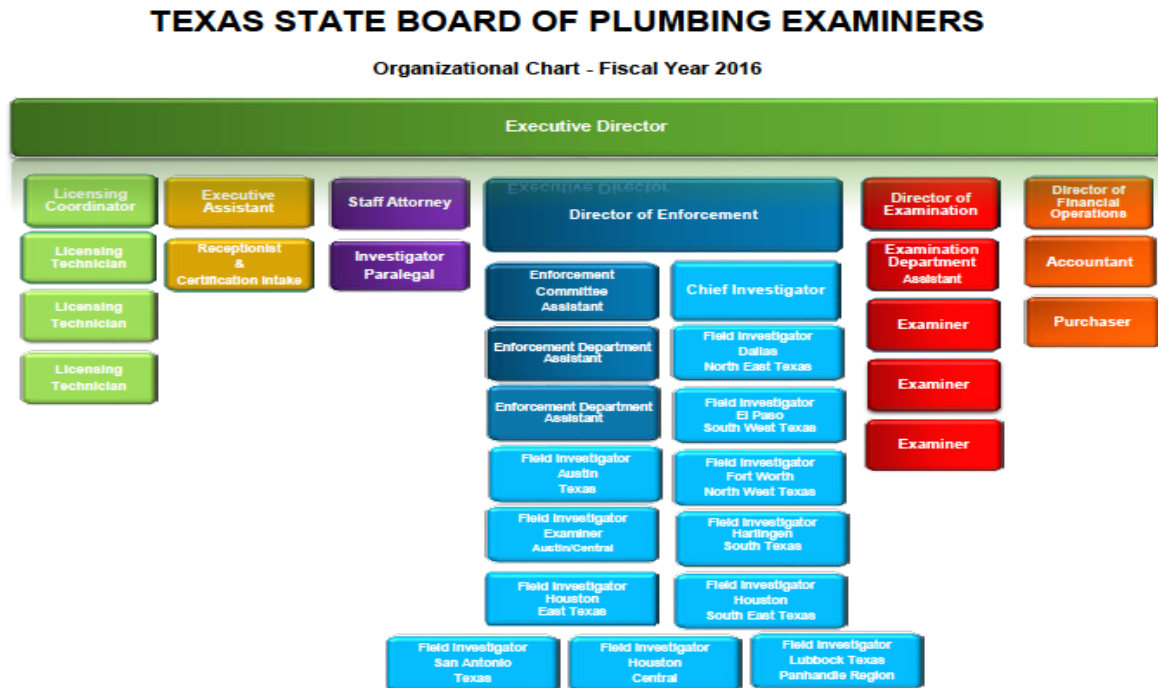
Table 8 Exhibit 8 Fee Revenue

* Includes Texas.Gov fee and fees for Law & Rule booklets and Review Course booklets

** Includes Texas.Gov fee

VI. Organization

- A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, Department Heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.



- B. If applicable, fill in the chart below listing field or regional offices. *See Exhibit 9 Example.*

Texas State Board of Plumbing Examiners
Exhibit 9: FTEs by Location — Fiscal Year 2016

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2016	Number of Actual FTEs as of August 31, 2016
Headquarters and Examination Center	Austin	No	21	19
Chief Field Representative (uses personal residence as field office)	Statewide	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	Dallas/Northeast Texas	Yes	1	1

Self-Evaluation Report

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2016	Number of Actual FTEs as of August 31, 2016
Investigator/Field Representative (uses personal residence as field office)	Dallas/Fort Worth	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	Fort Worth/ Northwest Texas	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	Austin/Central Texas	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	San Antonio	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	Houston/East Texas	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	Central Houston	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	Houston/Southeast Texas	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	Harlingen/South Texas	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	Lubbock/Texas Panhandle	Yes	1	1
Investigator/Field Representative (uses personal residence as field office)	El Paso/ West Texas	Yes	1	0
			TOTAL: 33	TOTAL: 30

Table 9 Exhibit 9 FTEs by Location

C. What are your agency’s FTE caps for fiscal years 2016–2019?

Fiscal Years 2016 and 2017: 33.0

Fiscal Years 2018 and 2019: 31.0

D. How many temporary or contract employees did your agency have as of August 31, 2016? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

The TSBPE had three temporary employees on August 31, 2016:

1) Examination Customer Service Assistant

Assisted with processing examination applications, verified eligibility, supporting documentation, identified application deficiencies and sent deficiency letters. Provided telephone, written, and electronic contact with examination applicants and licensees and prepared routine and special correspondence and mailings to examination applicants. Expenditure amount: \$21,749.

2) Compliance Department Customer Service Assistant

Processed compliance documents related to required updates of Certificate of Insurance for Responsible Master Plumbers. Assisted in enforcement and compliance departments. Served as backup for the agency’s front desk receptionist. Performed a large volume of data entry of licensee compliance documents. Responsible for receiving, tracking and organizing certificates of insurance, training and other compliance documents related to plumbing businesses. Expenditure amount: \$44,968.

3) Apprentice Applications Assistant/Receptionist

Assisted with processing Plumber’s Apprentice applications, verified eligibility, supporting documentation, and identified application deficiencies. Provided some telephone and electronic contact with applicants. Served as backup for the agency’s front desk receptionist. Expenditure amount: \$4,480.

E. List each of your agency’s key programs or functions, along with expenditures and FTEs by program. See Exhibit 10 Example.

Texas State Board of Plumbing Examiners

Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2016

Program	Number of Budgeted FTEs FY 2016	Number of Actual FTEs as of August 31, 2016	Actual Expenditures
Examination & Licensing	9.3	9.0	\$337,081
Inspection & Enforcement	20.3	17.5	\$818,376

Program	Number of Budgeted FTEs FY 2016	Number of Actual FTEs as of August 31, 2016	Actual Expenditures
Indirect Administration	3.4	3.5	\$207,154
TOTAL	33	30	\$1,362,611

Table 10 Exhibit 10 List of Program FTEs and Expenditures

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste the questions as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. EXAMINATION

Name of Program or Function: Examination

Location/Division: Headquarters – Austin, Texas

Contact Name: Lisa G. Hill

Actual Expenditures, FY 2016: \$912,223 (Licensing & Examination expenditures are combined as one strategy)

Number of Actual FTEs as of August 31, 2017: 3.1

Statutory Citation for Program: Tex. Occ. Code § 1301.202. Plumbing Examiner; § 1301.352. Examination Required; §1301.3522. Examination Review Course; § 1301.355. Examination Results; § 1301.356. Endorsement: Medical Gas Piping Installation;

§ 1301.3565. Endorsement: Multipurpose Residential Fire Protection Sprinkler Specialist; § 1301.357. Endorsement: Water Supply Protection Specialist; § 1301.3575. Registration of Certain Persons; and § 1301.3585. License Eligibility Requirements for Applicants with Military Experience

B. What is the objective of this program or function? Describe the major activities performed under this program.

The TSBPE's examination function is designed to establish uniform qualifications for each plumbing license and endorsement, and to protect Texas citizens by ensuring that individuals installing, repairing, servicing, and inspecting plumbing systems have met or exceeded a minimum standard of competency.

The Examination Department is responsible for all functions related to the administration of examinations for licenses (Tradesman Plumber-Limited, Journeyman, Master, and Plumbing

Inspector) and endorsements (Medical Gas Piping Installation, Water Supply Protection Specialist, and Multipurpose Residential Fire Protection Sprinkler Specialist). Examinations are given Monday through Friday at the Board's headquarters located in Austin, Texas. The written portion of the Tradesman Plumber-Limited and Journeyman examinations are also given in El Paso and Harlingen, as needed, and are administered by the Investigator/Field Representatives assigned to these areas.

Every examination includes a written component, and the examinations for the Tradesman Plumber-Limited, Journeyman Plumber, and Medical Gas Piping Installation Endorsement include one or more practical "shop (hands on)" components. There are also three open-book training exams that applicants for a Drain Cleaner-Restricted, Drain Cleaner, or Residential Utilities Installer Registration must complete. The Examination Department is primarily responsible for developing the format and content for each exam, updating questions to reflect changes in the Plumbing Codes, and preparing the material for examination review courses.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program. Also please provide a short description of the methodology behind each statistic or performance measure.

Fiscal Year	Total Number of Exams Administered	Overall Passage Rate
2017	Not yet available	Not yet available
2016	2,600	72.3%
2015	2,296	74.7%
2014	2,380	77.1%

A breakdown of examinations by type of license or endorsement is attached.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The original intent underlying the TSBPE's examination function has not changed significantly since its inception. Over the years, the content of each examination has evolved as industry practices are modernized, and the workload of the Examination Department has grown as new licenses, endorsements, and registrations are established by the Legislature.

1947: Examination required for Master Plumber, Journeyman Plumber, Journeyman Plumber, and Plumbing Inspector Licenses

1993: Examination required for Medical Gas Piping Installation and Water Supply Protection Specialist Endorsements (HB 740 and SB 813)

2001: Examination required for Tradesman Plumber-Limited License; Drain Cleaner-Restricted, Drain Cleaner, and Residential Utilities Installer Registrations are created (HB 1505)

2009: Examination required for Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (SB 1410); added Board-approved 24-hour and 48-hour training programs as prerequisites for the Tradesman Plumber-Limited and Journeyman Plumber examinations (HB 1758)

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The examination function affects any person seeking to obtain a plumbing license, endorsement, or registration other than a Plumber's Apprentice Registration. All applicants must be a citizen or national of the United States or an alien or non-immigrant eligible for licensure by the State of Texas, meet all of the requirements established by the Board, and remit the applicable examination fee. Requirements established by the Board include graduation from high school/GED, hours of work experience in the plumbing trade, completion of training programs, etc. The qualifications specific to each individual license, endorsement, or registration are set forth in 22 Tex. Admin Code §§ 363.4 – 363.14.

This function also serves the citizens of Texas who need protection against the hazards resulting from incorrectly installed plumbing systems, such as the transmission of diseases, explosions or fires, or sickness caused by the contamination of medical gas used in hospitals or improperly ventilated noxious fumes.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Examination Department consists of a Director of Examination who supervises three Examiners and an Administrative Assistant. The Director of Examination reports directly to the Executive Director.

The Examiners are responsible for scheduling exams, administering, and grading examinations and generating and sending out correspondence notifying examinees of their exam results. They also order and prepare all of the materials needed for exams with shop components and maintain the Examination Center.

The Administrative Assistant reviews and processes all of the exam applications received (including applications for the Drain Cleaner-Restricted, Drain Cleaner, and Residential Utilities Installer Registrations), generates correspondence regarding deficiencies in applications, responds to inquiries regarding the status of pending applications, and maintains the individual file for each applicant. The Director of Examination and Executive Director work together to review applications submitted by individuals who hold a plumbing license issued by another state.

Examination applications are not processed until they are complete, and an incomplete application expires one year after the date it is first received. Applicants are responsible for

providing all of the requested supporting documentation other than certificates of completion for required training programs, which are submitted electronically by the continuing professional education provider. It is not uncommon for an application to remain incomplete for a few months or more. In May 2017, the TSBPE revised its examination applications in an effort to help applicants better understand what they must submit with their application.

Procedure for Processing Examination Applications:

- The application is received, batched by examination type, and entered into the Daily Receipts Log
- The application is sent to the Accounting Department, which prepares the examination fee for deposit
- The application is sent to the Examination Department
- The application is reviewed in the order it was received and entered into VERSA
 - If the application is incomplete, a deficiency letter is sent
 - If the application is complete, but the applicant has a felony conviction, the application is sent to the Enforcement Committee for review
 - If the application is complete, an examination is scheduled and a letter notifying the applicant of his or her exam date is sent
- The examination is administered to the applicant
- The examination is graded
- If the applicant passes, the applicant is sent a letter with instructions on how to apply for an initial license
- If the applicant fails, the applicant is sent a letter stating the earliest date he or she is eligible to re-test and an application for re-examination.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General Revenue, which is supported by examination fees, is the sole source of funding for the agency's examination function. Examination fees are non-refundable. Pursuant to the authority granted in Tex. Occ. Code § 1301.253 the Board has adopted 22 Tex. Admin. Code § 361.6, which establishes the following examination fees:

Master Plumber License: \$175

Journeyman Plumber License: \$40

Tradesman Plumber-Limited License: \$36

Plumbing Inspector License: \$55

Medical Gas Piping Installation Endorsement/Master: \$80

Medical Gas Piping Installation Endorsement/Journeyman: \$27

Medical Gas Piping Installation Endorsement/Inspector: \$40

Water Supply Protection Specialist Endorsement/Master: \$80

Water Supply Protection Specialist Endorsement/Journeyman: \$27

Water Supply Protection Specialist Endorsement/Inspector: \$40

Multipurpose Residential Fire Sprinkler Protection Specialist/Master: \$80
 Multipurpose Residential Fire Sprinkler Protection Specialist/Journeyman: \$27
 Multipurpose Residential Fire Sprinkler Protection Specialist/Inspector: \$40

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other agencies or programs in Texas have the authority to develop or administer examinations for plumbing licenses. However, a few licenses and certifications issued by other agencies are related to the plumbing industry. For example, the Texas Commission on Environmental Quality licenses backflow prevention assembly testers and on-site sewage facility (septic tank) installers.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Non Applicable

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Non Applicable

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2016;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Non Applicable, these program duties are all handled in-house.

L. Provide information on any grants awarded by the program.

Non Applicable

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Tex. Occ. Code § 1301.575: The Drain Cleaner-Restricted, Drain Cleaner, and Residential Utilities Installer Registrations should be re-categorized as endorsements to accurately reflect how they function. An endorsement is added to a Master, Journeyman, or Plumbing Inspector license the

same way these registrations are added to a Plumber's Apprentice Registration (or Tradesman-Plumber Limited License in the case of the Drain Cleaner Registration). VERSA also codes these registrations as endorsements.

Examiner Salaries: Pursuant to Tex. Occ. Code § 1301.202 all Examiners must hold a plumbing license. Due to funding limitations, the TSBPE cannot offer salaries for Examiners that are competitive within the plumbing industry, which inhibits the agency's ability to attract and retain qualified candidates for Examiner positions. There is a direct correlation between the number of examinations that can be administered each day and the number of Examiners employed by the TSBPE. The high demand for examinations coupled with the vacancies in the Examination Department have created a situation where the first available exam date is approximately four months from the date an application is processed. In other words, applicants processed at the beginning of June 2017 were scheduled for exams at the beginning of October 2017.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The TSBPE is subject to Tex. Occ. Code Ch. 53. Accordingly, an applicant for an examination with felony convictions is required to complete a Supplemental Criminal History Information Form (SCHIF) and provide all supporting documentation. Once both the application and the SCHIF are complete, they are reviewed at the next monthly meeting of the Enforcement Committee (EC). If the EC approves the application, it goes back to the Examination Department to be scheduled for an examination. If the EC denies the application, the applicant has the right to request a hearing in front of an administrative law judge at the State Office of Administrative Hearings. The Attorney General's Office represents the TSBPE at all hearings on application denials. An applicant who is denied must wait one year before re-applying.

The TSBPE requires the submission of a SCHIF every time an individual applies to take an examination. If the applicant has no new criminal convictions since the submission of his or her last examination application, then the applicant can fill out the SCHIF and write "no new convictions since last application." An applicant with no new convictions is not required to submit any supporting documentation.

The agency is also subject to Tex. Occ. Code Ch. 55. Benefits offered to military service members, military veterans, and military spouses, including the waiver of examination fees, are listed on the TSBPE's website at <http://www.tsbpe.state.tx.us/military.html>. The agency's Military Liaison works with applicants on a case-by-case basis to ensure that they receive credit toward examination requirements for verifiable plumbing-related experience obtained while serving in the military.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**

- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Non Applicable - The TSBPE's regulatory function is performed solely by the Enforcement Department.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices. Please include a brief description of the methodology supporting each measure.**

Non Applicable

A. LICENSING

Name of Program or Function: Licensing

Location/Division: Headquarters – Austin, Texas

Contact Name: Gloria Guerrero and Dawn Saravia

Actual Expenditures, FY 2016: \$912,223 (Licensing & Examination expenditures are combined as one strategy)

Number of Actual FTEs as of August 31, 2017: 4.3

Statutory Citation for Program: Tex. Occ. Code § 1301.354. Plumber's Apprentice; 1301.3541. Apprentice Registration Requirements; § 1301.401. Annual Renewal Required; § 1301.402. Notice of License, Endorsement, or Registration Expiration; § 1301.403. Procedure for Renewal; § 1301.404. Mandatory Continuing Professional Education; and § 1301.405. Mandatory Training for Drain Cleaner, Drain Cleaner-Restricted Registrant, and Residential Utilities Installer

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Licensing Department is responsible for all aspects of the licensing process including: opening and sorting initial applications and renewals received by mail; processing applications for initial licenses, endorsements, and Plumber's Apprentice Registrations; processing renewals; entering all fees received for initial licenses, registrations, endorsements, and renewals into VERSA; printing and mailing out pocket cards and wall certificates; responding to phone calls and emails; reviewing daily reports regarding online transactions and applications received via mail for errors; providing technical support for VERSA Online user accounts; setting up VERSA each year so it can receive submissions of certificates of completion from Board-approved providers of continuing professional education (CPE); and testing the functionality of enhancements made to VERSA Online.

The renewal of a Responsible Master Plumber (RMP) license that offers plumbing services is also dependent upon confirmation of the required insurance. The Licensing Department has the

responsibility to collect maintain and enter the Certificates of Insurance that are required to be submitted by the RMP in order for the plumbing company to obtain permits prior to performing work. Proof of insurance for the plumbing company is made available on our website in live time.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program. Also please provide a short description of the methodology behind each statistic or performance measure.

The number of individual licensees and registrants served by the TSBPE appears in Table A below. Because one person can hold multiple licenses or endorsements, the Licensing Department may process two to three initial licenses or endorsements for the same person each year and must then process multiple renewals for that same person in the following year. The total number of all licenses, registrations and endorsements more accurately reflects staff’s workload which shows the effectiveness and efficiency of this program as seen in Table B.

TABLE A

Types of Licensees and Registrants	Number of Individual Licensees/Registrants
Master Plumber with Journeyman	6,729
Master Plumber (only)	4,468
Journeyman Plumber (only)	12,755
Tradesman Plumber-Limited	2512
Plumbing Inspector with Master and Journeyman	496
Plumbing Inspector with Master	121
Plumbing Inspector with Journeyman	175
Plumbing Inspector (only)	594
Plumber's Apprentice	42,358



TABLE B

TSBPE: *Protecting Texans Since 1947*

Licenses and Registrations

License, Registration and Endorsement Type	Total number of Current Licenses/Registrations/Endorsements As of July 7, 2017	Total number of Renewable Licenses/Registrants/Endorsements As of July 7, 2017
Inspector	1,251	1,365
Master	10,263	11,189
Journeyman	17,384	19,478
Tradesman	2,174	2,511
Apprentice	25,241	41,825
RMP ¹	6,680	7,114
Med Gas	3,430	3,771
MRFPS ²	338	357
WSPS ³	562	605
DC ⁴	709	910
DCR ⁵	710	1,156
RUI ⁶	645	931
Totals	69,387	91,212

1). Responsible Master Plumber
 2). Multi-Purpose Residential Fire Protection Sprinkler Systems
 3). Water Supply Protection Specialist

4). Drain Cleaner
 5). Drain Cleaner Restricted
 6). Residential Utility Installer

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The original intent underlying the creation of the Licensing Department has not changed over the years. However, the scope of the department's responsibilities has expanded as more license types, endorsements, and registrations have been created by the Legislature.

1993: Established a six-hour continuing professional education requirement for the renewal of a license (SB 137); created the Medical Gas Piping Installation and Water Supply Protection Specialist Endorsements (HB 740 and SB 813).

2001: Created the Tradesman Plumber-Limited License and Drain Cleaner-Restricted, Drain Cleaner, and Residential Utilities Installer Registrations, made registration as a Plumber's Apprentice mandatory, required a Master Plumber to submit a certificate of insurance to the agency (HB 1505).

2009: Established a six-hour continuing professional education requirement for the renewal of a Drain Cleaner-Restricted, Drain Cleaner, or Residential Utilities Installer Registration (SB 1354);

created the Responsible Master Plumber designation and Multipurpose Residential Fire Protection Sprinkler Specialist Endorsement (SB 1410).

Established the requirement for political subdivisions to verify that a plumbing contractor has a certificate of insurance on file with the Board prior to issuing the plumbing contractor a permit to perform plumbing work. The TSBPE became responsible for maintaining the certificates of insurance and providing the political subdivision with the ability to view the certificate on its website (SB 1354).

2011: Added a Board-approved 24-hour training program as a prerequisite for obtaining a Responsible Master Plumber designation (HB 2376).

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The licensing function affects any person applying for an initial license, registration, or endorsement and any person wishing to renew or reinstate a license, registration, or endorsement. Applicants for an initial license or endorsement must have passed the applicable examination and remitted the initial licensure fee. Applicants for an initial Plumber's Apprentice Registration must be at least 16 years of age and submit a completed application and initial registration fee.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Licensing Department consists of a Licensing Coordinator (Supervisor) who supervises two Licensing Technicians. The Licensing Coordinator reports directly to the Executive Director. One of the Licensing Technicians has been designated the "online support specialist" and provides technical assistance for user accounts for VERSA Online. This person also serves as the key point of contact for all trouble tickets submitted to HPC and works closely with them to test any enhancements made to VERSA Online before they go live.

All licenses and registrations renew annually; all endorsements renew every three years. To help manage the workload, expiration dates are staggered with two exceptions: (1) all Plumbing Inspector licenses expire in January, and (2) licensees who hold both a Journeyman and Master Plumber License are given the same expiration date for both licenses. No licensee or registrant is ever assigned an expiration date in December. Criminal background checks are performed on random samples of each license and registration renewal applications.

Anyone who holds a license or a Drain Cleaner - Restricted, Drain Cleaner, or Residential Utilities Installer Registration is required to complete six hours of CPE to be eligible to renew. A licensee with a Medical Gas Piping Installation Endorsement is required to complete a minimum of two hours of CPE before renewing. The process a CPE provider uses to submit proof that a licensee or registrant has fulfilled the continuing education requirement is wholly electronic. All providers

approved by the Board are given the software needed to transmit information about course completion directly to VERSA where it is automatically added to the licensee or registrant's renewal application. Because CPE providers are approved annually, the Licensing Department must enter all CPE providers into VERSA before the beginning of each CPE course year to ensure successful transmission of proof of completion.

In addition to completing the required CPE, a Responsible Master Plumber must have a current Certificate of Insurance (COI) on file with the TSBPE to be eligible to renew. Currently, COIs are submitted to the agency via email and entered by staff. However, the TSBPE recently launched an enhancement to VERSA Online that allows a RMP to enter and upload a COI through his or her online account.

Once a license or registration has been expired for more than two years, its status changes from "expired" to "reinstate." The process for reinstating a license is identical to the process for obtaining an initial license. For example, a person whose Master Plumber License is in reinstate must register as a Plumber's Apprentice, apply for and pass the Journeyman Plumber Examination, and then apply for and pass the Master Plumber Examination. Reinstating a Plumber's Apprentice Registration requires submitting a new application and fee. A criminal background check is run on anyone applying to reinstate a license or registration.

Procedure for Processing Applications for an Initial License, Registration, or Endorsement:

- The applicant fills out the detachable form included at the bottom of the Congratulations letter or an application for a registration
- The applicant mails* in the form/application and applicable fee
- Applications are batched by license, registration, or endorsement type, entered into the Daily Receipts Log, and sent to the Accounting Department
- The Accounting Department prepares the initial licensure/registration fees for deposit
- The application is sent to the Licensing Department where it is entered into VERSA
 - If an applicant for a registration has been convicted of a felony, the application is sent to the Enforcement Committee (EC) for review
- A wall certificate and pocket card are printed and mailed to the applicant.

*Anyone with a VERSA Online user account may apply for an initial license, endorsement, or registration online and pay the applicable fee using a credit or debit card.

Procedure for Processing Renewals:

- A renewal form is mailed to the mailing address on file with the Board approximately 90 days prior to expiration
- The licensee or registrant fills out the form and mails* it back to TSBPE along with the applicable renewal fee
- Renewals are batched by license, endorsement, and registration type, entered into the Daily Receipts Log, and sent to the Accounting Department
- The Accounting Department prepares the renewal fee for deposit
- The renewal is sent to the Licensing Department where it is entered into VERSA

- If the licensee or registrant has received a felony conviction since his or her last renewal, the application is sent to the EC for review
- A pocket card is printed and mailed to the applicant.

*The TSBPE has a dedicated post office box at the State Treasury for renewals sent by mail. Anyone with a VERSA Online user account may renew online and pay the applicable fee using a credit or debit card.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General Revenue, which is supported by licensing and renewal fees, is the sole source of funding for the agency's licensing function. TSBPE has always collected significantly more revenues than it has been appropriated. Pursuant to the authority granted in Tex. Occ. Code § 1301.253 the Board has adopted 22 Tex. Admin. Code § 361.6, which establishes the following initial licensure fees:

- Responsible Master Plumber License: \$420
- Master Plumber License: \$75
- Journeyman Plumber License: \$40
- Tradesman Plumber-Limited License: \$35
- Plumbing Inspector License: \$55
- Medical Gas Piping Installation Endorsement/Master: \$55
- Medical Gas Piping Installation Endorsement/Journeyman: \$14
- Medical Gas Piping Installation Endorsement/Inspector: \$27.50
- Water Supply Protection Specialist Endorsement/Master: \$55
- Water Supply Protection Specialist Endorsement/Journeyman: \$14
- Water Supply Protection Specialist Endorsement/Inspector: \$27.50
- Multipurpose Residential Fire Sprinkler Protection Specialist/Master: \$55
- Multipurpose Residential Fire Sprinkler Protection Specialist/Journeyman: \$14
- Multipurpose Residential Fire Sprinkler Protection Specialist/Inspector: \$27.50
- Plumber's Apprentice Registration: \$15
- Drain Cleaner-Restricted Registration: \$18*
- Drain Cleaner Registration: \$18*
- Residential Utilities Installer Registration: \$18*

Renewal fees are equal to the fee for an initial license, registration or endorsement. The fee for a late renewal received less than 90 days after expiration is one half of the regular renewal fee. The fee for a late renewal received more than 90 days after expiration is equal to the regular renewal fee.

*Although these registrations require completion of a written training exam, there is no separate examination fee.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other agencies or programs in Texas have the authority to issue, renew, or reinstate plumbing licenses, registrations, or endorsements.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Non Applicable

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Licensing Department works with political subdivisions in a limited capacity because a licensed Plumbing Inspector must be affiliated with a political subdivision before he or she may work as a Plumbing Inspector. An affiliation is established if the inspector is employed by, or under contract with, a political subdivision to perform plumbing inspections. Proof of affiliation must be submitted using the agency's Plumbing Inspector Employer Certification Form or in the form of a letter signed by an authorized representative of a political subdivision. The TSBPE will not issue a pocket card to an inspector until proof of affiliation is received.

An unaffiliated Plumbing Inspector is still able to renew his or her license so long as he or she completes the required CPE. Pocket cards are not issued to unaffiliated inspectors.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2016;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Non Applicable, these program duties are all handled in-house.

L. Provide information on any grants awarded by the program.

Non Applicable

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The limitations of VERSA discussed in Part H of Section II most directly impact the Licensing Department and impede its ability to provide the most efficient customer service possible. Most notable is the fact that VERSA online often crashes during the last three to five days of the month, which is the period when most licensees and registrants are attempting to renew online. In addition, the constant need to modify the program has made it difficult to develop detailed process documents explaining how to execute specific functions.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

CPE is an integral part of the renewal process, and the Board annually approves all course materials that serve as the basis for the six-hour course. There are currently three entities that publish course materials. The Board also approves all applications for CPE providers and instructors. Once an instructor or provider is approved to provide or instruct the six-hour CPE, they are also approved to provide or instruct any of the training programs required for a specific examination. Instructors are required to receive training in the course materials and agency staff conducts an annual training for providers and instructors as well. The TSBPE investigates complaints against providers and instructors in the same way it investigates complaints against licensees and registrants and may revoke, suspend, or refuse to renew approval as a provider or instructor. The rules adopted by the Board that are applicable to CPE are found in 22 Tex. Admin Code §§ 365.14-365.21.

The TSBPE is subject to Tex. Occ. Code Ch. 53. Accordingly, the renewal form asks if the licensee or registrant has any new criminal convictions since his or her last renewal. An individual with a new felony conviction is required to complete a SCHIF and provide all supporting documentation. Once the SCHIF is complete, it is reviewed at the next monthly meeting of the EC. If the EC approves the renewal, the licensee or registrant is issued a new pocket card. If the EC denies the renewal, the licensee or registrant has the right to request a hearing in front of an administrative law judge at the State Office of Administrative Hearings. The Attorney General's Office represents the TSBPE at all hearings on renewal denials. A licensee or registrant whose renewal is denied must wait one year before attempting to renew again.

The same process is used to review applications for Plumber's Apprentice Registrations. Similar to the exam applications, the Apprentice application asks if the applicant has ever been convicted of a felony.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Non Applicable - The agency's regulatory function is performed solely in-house.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices. Please include a brief description of the methodology supporting each measure.**

Non Applicable

A. ENFORCEMENT

Name of Program or Function: Enforcement

Location/Division: Headquarters – Austin

Contact Name: Stephen Davis

Actual Expenditures, FY 2016: \$1,208,985

Number of Actual FTEs as of August 31, 2017: 16

Statutory Citation for Program: Tex. Occ. Code Ch. 1031, Subchapter F. Consumer Interest Information and Complaint Procedures; § 1301.3576. Certificate of Insurance and Training for Responsible Master Plumber; Subchapter I. Disciplinary Procedures; Subchapter J. Other Penalties and Enforcement Provisions; § 1301.552. Certificate of Insurance for Plumbing Permit in Political Subdivision; and Subchapter N. Administrative Penalty

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Enforcement Department is responsible for all aspects of the complaint process, including: maintaining complaint files; entering complaints into VERSA; preparing and sending correspondence to complainants and respondents; answering phone calls and emails from complainants and respondents; investigating complaints and writing reports; issuing administrative penalties; prosecuting cases for administrative penalties at the State Office of Administrative Hearings (SOAH), and presenting cases for final disposition to the Board. The Field Representatives also perform random jobsite compliance checks.

The Enforcement Department is also responsible for providing administrative support to the Enforcement Committee, which is the body responsible for reviewing: (1) applications for registration or examination submitted by individuals with criminal convictions; and (2) complaint investigations to determine whether a violation of the Plumbing License Law or Board Rules occurred.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program. Also please provide a short description of the methodology behind each statistic or performance measure.**

The number of compliance checks performed, number of investigations conducted, number of complaints resolved, percentage of complaints resolved resulting in disciplinary action and the percent of licensees and registrants with no recent violations best conveys the effective and efficiency of this function.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Enforcement functions are an essential part of the agency's operations and continue to be necessary. Enforcement of the Plumbing License Law not only protects the citizens, but also essentially drives the renewal of licenses and registrations, thereby providing more qualified individuals that are proven through examination into the profession.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The TSBPE's enforcement function affects all licensees, registrants, and plumbing companies, anyone advertising or contracting for plumbing without securing the services of a Responsible Master Plumber (RMP), and anyone performing plumbing work or plumbing inspections without a license or registration. Consumers of plumbing services and the general public also benefit from enforcement efforts.

A statistical breakdown of the number of licensees and registrants can be found in the Table B included in Part C of the discussion of the TSBPE's licensing function (page 31). Because the TSBPE does not license plumbing companies, the best measure of the number of companies operating in the state is the number of RMPs, which is found in Table B included in Part C of the discussion of the licensing function. The number of consumers directly affected is best represented by the performance measures on complaints included in Exhibit 11 of this section.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Enforcement Department consists of a Director of Enforcement who supervises three administrative assistants, one attorney, and ten Investigator/Field Representatives. One of the Investigator/Field Representatives serves as the Chief Field Representative and supervises all of the other Investigators.

Two of the administrative assistants are responsible for maintaining both the hard copy and electronic file for each complaint, entering complaint information in VERSA, and managing all correspondence sent to and received from complainants and respondents. They also facilitate communication between the Investigators and the complainants and respondents. Their duties are divided such that one of them is responsible for the complaint from the time it is filed until the time the Investigator completes his investigation report and the other is responsible for the

complaint from the time the Investigator turns in his investigation report to the time the complaint is reviewed by the Enforcement Committee (EC) and closed.

The third administrative assistant supports the EC. This position is responsible for maintaining the hard copy and electronic case files for complaints that result in the imposition of an administrative penalty, entering and updating case information in VERSA, and generating Notices of Alleged Violation and other correspondence regarding penalties and payments. This position also responds to all inquiries from applicants with criminal convictions, reviews Supplemental Criminal History Forms and supporting documents, sends deficiency letters, prepares completed applications for review by the EC, processes applications approved by the EC, and sends application denial letters.

Pursuant to Tex. Occ. Code § 1301.203, an Investigator/Field Representative is responsible for the following duties: investigating consumer complaints, conducting jobsite compliance checks, and assisting Plumbing Inspectors affiliated with a municipality in enforcing the Plumbing License Law. Investigators also monitor continuing professional education courses for compliance with Board Rules. Each Investigator is assigned to a specific geographic territory and works primarily in that area. The TSBPE provides each Investigator with a cell phone, laptop, printer, and State vehicle. All Investigator/Field Representatives are licensed plumbers as required by Tex. Occ. Code § 1301.203.

The staff attorney is responsible for prosecuting contested cases at the State Office of Administrative Hearings, responding to requests under the Public Information Act, drafting rules, preparing Orders for adoption by the Board, uploading sex offender information, matching for child support, reviewing documents submitted by applicants for exams, running criminal background checks, and randomly running checks on online applicants.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General Revenue

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Tex. Occ. Code § 1301.503 requires each licensed Plumbing Inspector to enforce the Plumbing License Law. Through the affiliation requirement discussed in Part J of the overview of the Licensing Department, the Board has clarified that this authority extends only to areas within the jurisdiction of the political subdivision(s) with which an inspector is affiliated.

Enforcement officers from the Texas Department of Licensing and Regulation (TDLR) have been granted the authority through a memorandum of understanding (MOU) to check the licenses and registrations of individuals practicing plumbing and report noncompliance to the TSBPE.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

The MOU between the TSBPE and TDLR is structured to avoid duplication or conflict.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The TSBPE's Investigator/Field Representatives often seek assistance from municipalities and other political subdivisions during their investigations. Most frequently, they contact them to verify information such as whether a specific address is within the city limits or whether a permit is required for a specific type of plumbing work. Individual Plumbing Inspectors often file complaints with the TSBPE and are also called on to testify at hearings on contested cases.

- K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2016;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Non Applicable - The agency's regulatory function is performed solely in-house.

- L. Provide information on any grants awarded by the program.**

Non Applicable

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

Database Limitations: The out-of-the box version of VERSA purchased by the State did not include a method for accepting administrative penalty payments made with a credit or debit card. It is the TSBPE's understanding that TDLR is currently working with MicroPact to develop this feature. Once developed, the TSBPE hopes to have access to this technology.

Responsible Master Plumbers: The workload generated by the rapid and steady growth in the number of Responsible Master Plumbers (RMP) has exceeded the capacity of the single FTE allocated by the Legislature in 2009. This FTE was designated as an additional Licensing Technician and was originally provided to process all certificates of insurance (COI) and help meet the customer support needs of the growing population of plumbers and apprentices served by the agency. Today, the TSBPE currently receives anywhere from ten to eighty certificates of

insurance per day, and the addition of the 24-hour training program in 2012 required the agency to develop an application for the RMP Designation. As a result of this demand for service, the TSBPE has had to dedicate an entire FTE to the functions necessary to support the RMP population.

Those functions include:

- Reviewing and processing RMP Designation applications
- Processing requests to relinquish the RMP Designation
- Processing and entering COIs
- Processing RMP Change of Company Forms
- Responding to all inquiries regarding the status of applications and COIs
- Educating licensees and insurance agents about the correct procedures for submitting a COI.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The Enforcement Committee is comprised of agency staff and meets twice a month—once to review applications submitted by individuals with criminal convictions and once to review completed complaint investigations for possible violations of Tex. Occ. Code Chapter 1301 and Board Rules. The Director of Enforcement and the staff attorney also attend these meetings in a strictly advisory capacity.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

Procedure for Complaint Intake and Investigation:

- A complaint is received – all complaints must be submitted in writing on a General Complaint form
- The Director of Enforcement reviews the complaint for jurisdictional issues, completes a Complaint Review form, and assigns the complaint to an Investigator/Field Representative
- The administrative assistant opens a complaint in VERSA and enters all information about the complainant, respondent, etc.
- An electronic copy of the complaint is emailed to the assigned Investigator/Field Representative
- A letter is sent to the complainant acknowledging that the TSBPE has received the complaint and sent a copy to the respondent
- A letter and a copy of the complaint are sent to the respondent along with a request to provide a written response
 - If a response is provided, a letter is sent to the complainant along with a copy of the response
 - If the complainant replies to the respondent's response, a letter is sent to the respondent along with a copy of the reply
- The Investigator/Field Representative makes an initial call to the complainant and calls with a status update every 90 days

Self-Evaluation Report

- Any additional documents or evidence received from either the complainant or the respondent is added to the complaint file and sent to the Investigator
- The Investigator/Field Representative investigates the complaint and completes a Complaint Investigation Report
- The administrative assistant prepares the Complaint Investigation Report for review by the Enforcement Committee (EC)
- The EC reviews the Investigation Report and complaint file and determines whether a violation has occurred and the amount of the penalty to be imposed
- A letter is sent to the complainant stating the outcome of the investigation and confirming that the complaint has been closed.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices. Please include a brief description of the methodology supporting each measure.

**Texas State Board of Plumbing Examiners
Enforcement
Exhibit 11: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2015 and 2016**

	Fiscal Year 2015	Fiscal Year 2016
Total number of regulated persons	53231	56605
Total number of regulated entities	0	0
Total number of job sites monitored	10,493	9,856
Total number of complaints received from the public	1,065	1,248
Number of complaints pending from prior years	429	496
Number of complaints found to be non-jurisdictional	1	4
Number of jurisdictional complaints found to be without merit	362	300
Number of complaints resolved	1,070	1,182
Average number of days for complaint resolution	166.19	157.15
Complaints resulting in disciplinary action:	702	819
Administrative Penalty	347	384
Warning	282	195
Probation	0	0
Suspension	15	13
Revocation	58	227
Other	0	0

Table 11 Exhibit 11 Information on Complaints Against Persons or Entities

A. ADMINISTRATION

Name of Program or Function: Indirect Administration

Location/Division: Headquarters – Austin, Texas

Contact Name: Lisa G. Hill

Actual Expenditures, FY 2016: \$312,970

Number of Actual FTEs as of June 1, 2017: 2.9

Statutory Citation for Program: Tex. Occ. Code § 1301.201. Executive Director and Staff; § 1301.208. Separation of Responsibilities; § 1301.260. Policy on Technological Solutions; and the General Appropriations Act

B. What is the objective of this program or function? Describe the major activities performed under this program.

In addition to providing leadership and guidance to meet the agency's mission and vision, the Indirect Administrative function provides for the management of day-to-day operations, implements agency objectives and monitors the agency's performance and operational effectiveness and efficiencies. The Indirect Administrative function also ensures compliance with state wide goals and directives through reporting, budget development, provides policy advice to the Board and implements Board directives, participates in state organizations and training, disseminates agency information via the agency website, direct communications, public meeting postings, newsletters and responds to inquiries regarding elevated customer service issues.

The Indirect Administrative function provides for the oversight and execution of agency operations including accounting, payroll, human resources, purchasing, procurement, reporting, budget development, and facilities maintenance. These Indirect Administrative tasks are necessary to support the agency's key functions.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program. Also please provide a short description of the methodology behind each statistic or performance measure.

The Indirect Administrative key functions are as follow:

- Completion and submission of the FY 2017-2021 Strategic Plan
- Customer Service Survey
- Responding to legislative inquiries and testifying at hearings
- Completion and submission of the Business Continuity Plan
- Overhaul the Plumber's Professional Continuing Education program by streamlining the application process, material distribution and training site location

Self-Evaluation Report

- Increase services available to licensees and registrants within the online services program providing for the self-entry of insurance certificates, address updates and the integration of an onsite kiosk for the application and renewal of licenses and registrations
- Oversee the IT managed care provider, Vintage IT Services, as well as all aspects of Information Technology.

The Indirect Administrative also includes these functions:

- Accounts payable
- Purchasing
- General accounting
- Deposits
- Budgeting
- Financial reporting, including preparation of the Annual Financial Report (AFR)
- Preparing Legislative Appropriations Requests (LAR)
- Payroll
- Human resources, including hiring/firing, performance evaluations
- Benefits administration
- Preparation of the Annual Non-Financial Data Report and Operating Budget
- Responding to legislative inquiries and testifying at hearings
- Drafting agency reports
- Strategic planning
- Facilities management
- Organize and implement a new telecommunication Voice Over Internet Telephone service.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The TSBPE expanded its use of a managed care IT provider to better service its customers and to ensure continued compliance with DIR requirements and to move towards the most current cyber security plans. In addition, an upgrade to its internet infrastructure was performed to meet with future plans for an online examination that will expedite scoring of the exam results.

The upgrade to the Board's internet infrastructure also allowed for the implementation of a Voice Over Internet telephone system which will increase communication efficiency of all agency staff through this use of this advanced technology. The agency is well within its goal of completion.

Because the agency has multiple outside users of its database, the agency has developed a VPN connection with partner agency HPC. This art firewall router protects the network perimeter which adds yet another layer of communication security. This supports the DIR strategies of "Preventing Cyberattacks", "Reducing Vulnerabilities," and "Respond and Recover."

These important communication initiatives will help facilitate communication, transparency, and streamline agency effectiveness and efficiencies.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The Indirect Administration functions affect all TSBPE employees, Board members, licensees and registrants, and stakeholders and legislators served by the TSBPE.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The TSBPE's Indirect Administration personnel includes the Executive Director, one Executive Assistant, one Director of Financial Operations & Human Resources, one Accountant, one Purchaser, and one part-time Staff Services Officer.

In addition to the key functions listed under the Indirect Administrative functions, the following list of critical duties below also fall under the Indirect Administration function:

- Posting notices for open meetings in the Texas Register
- Preparing Board meeting agendas and minutes
- Preparing and distributing meeting materials
- Arranging Board member travel and accommodations
- Reviewing and processing applications from CPE provider and instructors
- Reviewing CPE course materials and processing applications from publishers of course materials
- Organizing the annual training for CPE instructors
- Overseeing the opening and processing of mail
- Maintain the agency website
- Oversee and implementing improvements to VERSA
- Drafting agency reports.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General Revenue

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Although administrative services and functions are similar to other state agencies, we believe that a complete analysis is warranted of our administrative services and functions before one could surmise that our services and functions can be provided by other state agencies or outsourced to private companies as a cost saving measure. We do not believe that outsourcing the TSBPE's services and functions would provide any true cost savings.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The TSBPE shares programs or functions with the Health Professions Council (HPC) via an interagency agreement which includes maintaining the VERSA database system, the online public search website, a toll-free number, shared information technology with other state agencies in the group, and assistance with issues that arise through the use of the VERSA database system.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Non Applicable

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2016;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Non Applicable

L. Provide information on any grants awarded by the program.

Non Applicable

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Information Technology Staff: Having the ability to hire an in-house IT specialist would alleviate some of the stresses on current employees who are performing IT-related duties in addition to other duties already assigned. Just the resources dedicated to providing technical support for VERSA Online and testing enhancements to VERSA are sufficient to justify this position. Add that to the workload covered by the TSBPE's contract with its managed care IT service Vintage, and the time spent supporting the technical needs of ten Investigator/Field Representatives who work remotely, and it is clear that this additional employee would improve efficiency and greatly benefit the TSBPE as a whole.

Additional Accountant: The TSBPE has only two FTEs responsible for accounting functions: a Director of Financial Operations & Human Resources and one Accountant. A second Accountant is needed to assist with the increased amounts of revenue received each day and to ensure compliance with the heightened requirements for segregation of fiscal duties set by the Comptroller and other oversight agencies.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Non Applicable

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

Non Applicable

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices. Please include a brief description of the methodology supporting each measure.

Non Applicable

VIII. Statutory Authority and Recent Legislation

A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2011–2015, or earlier significant Attorney General opinions, that affect your agency’s operations.

**Texas State Board of Plumbing Examiners
Exhibit 12: Statutes / Attorney General Opinions**

Statutes: *Tex. Occ. Code Ch. 1301 is the agency's enabling statute; only key provisions and subchapters are included in this table*

Citation / Title	Authority / Impact on Agency <i>(e.g., “provides authority to license and regulate nursing home administrators”)</i>
Tex. Occ. Code § 1301.151. Texas State Board of Plumbing Examiners Membership.	Provides for the composition of the Board
Tex. Occ. Code § 1301.202. Plumbing Examiner.	Requires the TSBPE to employ Licensed Plumbing Examiners
Tex. Occ. Code § 1301.203. Field Representative; Inspections.	Grants the TSBPE authority to employ Investigator/Field Representatives
Tex. Occ. Code § 1301.251. General Duties of Board.	Sets forth the general duties of the Board, including the authority to adopt and enforce rules necessary to administer the Plumbing License Law

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Citation / Title	Authority / Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Tex. Occ. Code § 1301.253. Fees.	Grants the Board authority to set fees
Tex. Occ. Code § 1301.256. Subpoena.	Grants the Board subpoena power
Tex. Occ. Code § 1301.259. Memorandum of Understanding.	Grants the TSBPE authority to enter into a memorandum of understanding with the Texas Department of Licensing and Regulation (TDL&R)
Tex. Occ. Code Ch. 1301, Subchapter F. Consumer Interest Information and Complaint Procedures.	Grants the TSBPE authority to investigate complaints
Tex. Occ. Code Ch. 1301, Subchapter G. License, Endorsement, and Registration Requirements.	Grants the TSBPE authority to administer examinations and issue initial licenses, registrations, and endorsements
Tex. Occ. Code Ch. 1301, Subchapter H. License, Endorsement, and Registration Expiration and Renewal.	Grants the TSBPE authority to regulate continuing education programs and renew licenses, registrations, and endorsements,
Tex. Occ. Code Ch. 1301, Subchapter I. Disciplinary Procedures.	Grants the TSBPE authority to revoke, suspend, deny, or refuse to renew a license, registration, or endorsement, or reprimand a licensee or registrant for violations of the Plumbing License Law, Board Rules, or an order issued by the Board
Tex. Occ. Code Ch. 1301, Subchapter J. Other Penalties and Enforcement Provisions.	Grants the Board a range of enforcement tools including the power to file an injunction, issue a cease and desist order, or impose a civil penalty
Tex. Occ. Code Ch. 1301, Subchapter N. Administrative Penalty.	Grants the Board authority to impose administrative penalties
Tex. Occ. Code Ch. 53	Grants the Board authority to revoke, suspend, or deny a registration or the opportunity to take an examination based on a review of a person's criminal convictions
Tex. Occ. Code Ch. 55	Requires the Board to adopt rules and develop procedures relating to the licensing of military service members, military spouses, and military veterans
Tex. Family Code Ch. 232	Requires the Board to suspend a license or registration upon receipt of a court order suspending the license or registration for failure to pay child support
Tex. Gov't Code § 411.122	Grants the TSBPE authority to obtain criminal history record information from the Department of Public Safety

Table 12 Exhibit 12 Statutes

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
N/A	N/A

Table 13 Exhibit 12 Attorney General Opinions

B. Provide a summary of recent legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new

fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. *See Exhibit 13 Example.*

**Texas State Board of Plumbing Examiners
Exhibit 13: 85th Legislative Session**

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
SB 2065	Hancock	This legislation was originally filed as HB 3277 and was ultimately passed as an amendment to SB 2065. It amends Tex. Occ. Code § 1301.704 to allow the Board to impose a penalty against a person who is found to be in violation of the Plumbing License Law, without an administrative hearing, if the person fails to respond to the notice informing him or her of the alleged violation.
HB 2095	Kuempel	Tex. Occ. Code § 1301.406 originally allowed a licensee who has held his or her license consecutively for 50 years to transfer the license to a family member within the second degree of consanguinity upon death or retirement. This legislation decreased the number of years the licensee must consecutively hold his or her license to 35, which has the potential to increase the number of transfers requested.
HB 3049	Guillen	This legislation allows the TSBPE to credit an applicant for the Tradesman Plumber-Limited or Journeyman examination with up to 250 hours of work experience in the plumbing trade if the applicant has completed a coherent sequence of courses in the construction trade that are offered through a career and technical education program that is approved by the State Board of Education. (An applicant needs 4,000 hours of experience to qualify for the Tradesman Plumber-Limited exam and 8,000 hours of experience to qualify for the Journeyman exam.)

Table 14 Exhibit 13 Legislation Enacted 85th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 3111	Paul	This legislation would have required the Board and HHSC's Executive Commissioner to jointly adopt rules related to medical gas verification of systems installed in health care facilities. It also directed the TSBPE to create and maintain a voluntary registry of medical gas verifiers.
HB 3414	Shaheen	This legislation would have replaced one the of the Board's public members with a member who holds a Master or Journeyman Plumber license
HB 3463	Goldman	This legislation would have exempted public service companies or contractors of public service companies performing plumbing work that meets certain parameters from regulation under Tex. Occ. Code Ch. 1301.
HB 3712	Sheffield	This legislation would have reduced the number of hours of continuing professional education required to renew a plumbing license from six to four.
HB 4154	Paul	This legislation would have required a Plumber's Apprentice who has been registered for two years to take continuing education before his or her third renewal and all subsequent renewals.

Table 15 Exhibit 13 Legislation Not Passed 85th Leg

IX. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue by the agency's board or staff. Instead, this section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our detailed research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions which can be enacted in state law. This section contains the following three components.

A. Brief Description of Issue

Currently, the TSBPE licenses individuals and not companies. The Legislature should eliminate the Responsible Master Plumber (RMP) Designation and replace it with a Plumbing Contractor's License.

B. Discussion

RMPs allow a plumbing company to use their license for the purpose of offering and performing plumbing work. Because RMPs assume all responsibility for the plumbing work performed under their license, they are the only category of licensee required to carry commercial liability insurance. To become a RMP, a Master Plumber must submit an application, \$345 application fee, and current Certificate of Insurance (COI) to the TSBPE and complete a 24-hour training program covering the laws and rules applicable to running a plumbing business in Texas.

Pursuant to Tex. Occ. Code § 1301.351(a-2), a person must "secure the services" of a RMP before advertising or otherwise offering to perform or provide plumbing. The statute is silent on what it means to secure the services of a RMP, and the agency has adopted a rule requiring that the RMP must be the owner, or an employee of, the business that is advertising or otherwise offering plumbing services.

C. Possible Solutions and Impact

By creating a license type for Plumbing Companies it would spread the responsibility to the company owners and allow greater control over the day-to-day operational requirements of the plumbing company. In many cases while the Responsible Master Plumber may actually be the company owner it is more and more common to find that the RMP is an employee and is under a great deal of direction and control by the owner.

A fee would be required to develop the license within our database. The fee will impact the Plumbing Company. More control over the companies will provide better protection for the consumers.

X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

Texas State Board of Plumbing Examiners Exhibit 14: Contacts

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Associated Plumbing-Heating-Cooling Contractors of Texas/ Alicia Dover	145 Trademark Dr. Buda, Texas 78610	(512) 523-8094	alicia@phcc-tx.org
Dallas Joint Apprentice Training Committee/ Jimmy Carroll	3541 W. Miller Rd. Garland, Texas 75041	(214) 341-6199	jcarroll@dallasjac.org
Mechanical Contractors Association of Texas/ Jim Reynolds	5629 FM 1960 West, Suite 354 Houston, Texas 77069	(281) 440-4380	jimreynolds@stx.rr.com
Mechanical Contractors Association – Houston/ Glenn Rex	5629 FM 1960 West, Suite 354 Houston, Texas 77069	(281) 440-4380	glenn@mcateexas.org
Plumbers Local Union #68/ Rick Lord	502 Link Rd. Houston, Texas 77249	(713) 869-3592	rlord@plu68.com
Plumbers and Pipefitters Local Union #142/ San Antonio Area Plumbers & Pipefitters Joint Apprenticeship Training Committee/ Frank Southers	363 Belgium Lane San Antonio, Texas 78219	(210) 226-1244	fsouthers@local142.org
Plumbers and Pipefitters Local Union #196/ Don Green	1505 W, 7 th Ave. Amarillo, Texas 79101	(806) 374-2895	ualu196@am.net
Plumbers and Pipefitters Local Union #286/ Joe Cooper	814 Airport Blvd. Austin, Texas 78702	(512) 385-1817	joecooper@local286.org
Texas Association of Builders/VP Regulatory Affairs/ Ned Munoz	313 East 12th Street, Suite 210 Austin, Texas 78701	(512) 476-6346	info@texasbuilders.org
Texas Pipe Trades/ Robert Cross	P.O. Box 8653 Houston, Texas 77249	(713) 861-3202	lu68hapjac@att.net

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Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas Plumbing, Air Conditioning and Mechanical Contractors Association of Texas/ Richard Blackmon	3112 Pecan Hill Dr. Brookshire, Texas 77423	(281) 682-0347	pamcaled@gmail.com
Texas State Association of Plumbing Inspectors/ Gail Lux	P.O. Box 146 Dimmit, TX 79027	(972) 762-8985	gaillux@cederhilltx.com

Table 16 Exhibit 14 Interest Groups

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Association of Continuity Professional, Capital of Texas Chapter/ Patti Farr	1250 S Capital of Texas Hwy Bldg. 2, Suite 125 Austin, TX 78746	(737) 443-2290	Patti.Farr@kestrafinancial.com
AWS Communications/ Mike Huerta	8708 South Congress, Suite A-120 Austin, TX 78745	(512) 233-4638	mhuerta@awscom.net
Building Officials Association of Texas/ Scott McDonald	P.O. Box 1971 Amarillo, TX 79105	(806) 378-3045	Scott.Mcdonald@amarillo.gov
Building Professional Institute/ Charles Clawson	P.O. Box 171388 Arlington, TX 76003	(817) 682-8256	clawson6219@hotmail.com
Byron Investment Limited Partnership/ Robert & Sarah Laird	3130 River Oaks Rd. New Braunfels, TX 78132	(830) 624-7333	Larid3130@sbcglobal.net
International Association of Plumbing and Mechanical Officials/ John Mata	18062 FM 529 RD, PMB 196 Cypress, TX 77433	(713) 539-3828	John.Mata@iapmo.org
International Code Council/ Mark A. Roberts	P.O. Box 219 Covington, LA 70434	(985) 635-9305	lclifton@iccsafe.org
Peak Performers/ Amber Buck	4616 Triangle Avenue, Suite 405 Austin, TX 78751	(512) 453-8833 ext. 104	payroll@peakperformers.org
TIBH Central Store/ Andrea Foster	1130 Rutherford Lane #190 Austin, TX 78753	(512) 451-8145	centralstore@tibh.org
Texas State Directory, Inc./ Julie Sayers	1800 Nueces Street Austin, TX 78701	(512) 477-5698	julie@txdirectory.com
Vintage IT Services/ Shane Garrett	1210 W. 5 th Street Austin, TX 78703	(512) 481-1117	sgarrett@vintageits.com
The Wilkins Group, Inc./ Tomeka Herod	1710 Firman Drive #200 Richardson, TX 75081	(972) 479-1090	tomeka@wilkins.com

Table 17 Exhibit 14 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Department of Information Resources/Samuel Kane	300 W. 15 th St., Suite 1300 Austin, Texas 78701	(512) 463-0064	registrar@texas.gov
Health Professions Council Database Administrator/ Angie Berumen	333 Guadalupe St., #2-220 Austin, Texas 78701	(512) 788-3386	angie@hpc.state.tx.us
Legislative Budget Board Budget Analyst/ Jennifer Quereau	1501 N. Congress Ave. 5 th Floor Austin, Texas 78701	(512) 463-2666	Jennifer.Quereau@lbb.texas.gov
Office of the Attorney General General Counsel/ Veena Mohan	300 W. 15 th St. 10 th Floor Austin, Texas 78701	(512) 936-0535	Veena.Mohan@oag.texas.gov
Office of the Governor Deann Walker	1100 San Jacinto Blvd. Austin, Texas 78701	(512) 463-1778	Deann.Walker@gov.texas.gov
Office of the Governor, The Governor's Commission for Women, State Agency Council (SAC)/Liza Willmore	1100 San Jacinto Blvd., Rm.2.119 Austin, Texas 78701	(512) 475-2615	Liza.Willmore@rrc.texas.gov
State Employee Charitable Campaign/Reagan Stone	2000 E. MLK Jr. Blvd. Austin, TX 78702	(512) 382-8601	Reagan.Stone@uwatx.org
State Office of Administrative Hearings/Tom Watson	300 W. 15 th St. 4 th Floor Austin, Texas 78701	(512) 475-4993	Tom.Watson@soah.texas.gov
Texas Correctional Industries (TCI), Texas Department of Criminal Justice/Mary Ann Plumley	8801 South 1 st Street, Suite 100 Austin, TX 78748	(512) 282-7734	Mary.Plumley@tdci.texas.gov
Texas Department of Insurance, State Fire Marshal's Office/David Wheelus	333 Guadalupe Street Austin, TX 78701	(512) 676-6800	Fire.Marshall@tdi.texas.gov
Texas Department of Licensing and Regulation/Brian Francis	920 Colorado St. Austin, Texas 78701	(512) 463-3171	Brian.Francis@tdls.texas.gov
Texas Division of Emergency Management, Texas Homeland Security, Texas Department of Public Safety/Alan B. Sowell	5805 North Lamar Blvd. Austin, TX 78752	(512) 424-5008	Alan.Sowell@DPS.texas.gov
Texas Register-Texas Secretary of State/Staff	1019 Brazos, Room 245 Austin, TX 78701	(512) 463-5561	texreg@sos.texas.gov
Texas Workforce Commission/ Lowell A. Keig	101 E. 15 th Street Austin, TX 78778	(512) 463-4432	Lowell.Keig@twc.state.tx.us
University of Texas at Arlington, Construction Research Center/Tina Menchey	416 Yates Street, 425 Nedderman Hall Box 19347 Arlington, TX 76019	(817) 272-3701	crc@uta.edu

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
University of Texas at Austin, Steve Hicks School of Social Work/Noel Landuyt	1925 San Jacinto Blvd., D3510 Austin, TX 78712	(512) 471-9831	nlanduyt@austin.utexas.edu
University of Texas at Austin, Printing Services/Richard Beto	Social Work Building, SSW G-14 1925 San Jacinto Blvd. Austin, TX 78712	(512) 471-4989	utcopy@austin.utexas.edu

Table 18 Exhibit 14 Liaisons at Other State Agencies

XI. Additional Information

- A. Texas Government Code, Sec. 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 15 Example.**

**Texas State Board of Plumbing Examiners
Exhibit 15: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
Only General Reporting Requirements					

Table 19 Exhibit 15 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

- B. Has the agency implemented statutory requirements to ensure the use of "first person respectful language"? Please explain and include any statutory provisions that prohibits these changes.**

The agency uses language similar to that recommended in Chapter 392, Texas Government Code.

- C. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency’s practices.**

**Texas State Board of Plumbing Examiners
Exhibit 16: Complaints Against the Agency — Fiscal Years 2015 and 2016**

	Fiscal Year 2015	Fiscal Year 2016
Number of complaints received	0	0
Number of complaints resolved	0	0
Number of complaints dropped / found to be without merit	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	0	0

Table 20 Exhibit 16 Complaints against the Agency

The agency rarely receives a formal complaint from the public. No formal complaints were received during Fiscal Years 2015 or 2016. While complainants do sometimes submit correspondence regarding the resolution of an enforcement action, the agency responds as part of the enforcement process. The agency also considers concerns raised in its Report on Customer Service from its licenses and the public. However, that information would be considered by staff and the policy making body when reviewing and streamlining procedures.

D. Fill in the following charts detailing your agency's Historically Underutilized Business (HUB) purchases. See Exhibit 17 Example.

**Texas State Board of Plumbing Examiners
Exhibit 17: Purchases from HUBs**

Fiscal Year 2015

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction	\$0	N/A	N/A	0%	11.2%
Building Construction	\$5,837	\$0	0%	0%	21.1%
Special Trade	19,444	0	0%	0%	32.9%
Professional Services	1,800	0	0%	100%	23.7%
Other Services	137,207	40,548	29.6%	50%	26.0%
Commodities	68,542	25,636	37.4%	50%	21.1%
TOTAL	\$232,831	\$66,184	28.4%		

Table 21 Exhibit 17 HUB Purchases for FY 2015

* If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.284)

Fiscal Year 2016

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0	\$0	N/A	N/A	11.2%
Building Construction	\$0	\$0	N/A	N/A	21.1%
Special Trade	\$8,935	\$5,178	58.0%	N/A	32.9%
Professional Services	15,985	14,050	87.9%	100%	23.7%

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Other Services	106,109	33,342	31.4%	50%	26.0%
Commodities	48,846	13,178	27.0%	50%	21.1%
TOTAL	\$179,876	\$65,748	36.6%		

Table 22 Exhibit 17 HUB Purchases for FY 2016

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.286c)

TSBPE makes a good faith effort to utilize HUBs through the use of a strong procurement plan. TSBPE’s procurement plan requires a regular search of the Centralized Master Bidder’s List (CMBL) when planning to buy goods and services. The TSBPE will purchase from a HUB vendor to the fullest extent possible. The TSBPE’s single purchases above \$5,000 are few.

The Board is committed to the goal of awarding contracts and purchases whenever possible to HUB vendors. The Comptroller of Public Accounts (CPA) maintains the most updated list of HUB vendors on the CMBL.

In its procurement process, the agency has the following procedures on purchasing:

1. Purchases under \$5,000 – TSBPE will purchase from a HUB vendor to the fullest extent possible.
2. Purchases of \$5,000.01 - \$25,000 – Requires at least three informal bids from the CMBL, with at least two CPA certified HUB vendors. The ethnicity/gender is indicated on the bid tabulation sheet. Note: For purchases of \$5,000 or less, TSBPE may supplement the list of bidders obtained from the CMBL with additional non-CMBL bidders.
3. Purchases over \$25,000 – Requires the TSBPE solicit formal bids or proposals from all CMBL and HUB Directory vendors who provide the goods or services to the Board’s geographic region. Note: The TSBPE may supplement the CMBL with CPA certified HUBs at any time if it determines that supplementing the CMBL will increase the number of HUBs that submit bids.

A review of HUB purchases is conducted every six months. Although TSBPE will continue good practices regarding its purchases procedures, it sees the opportunity to increase HUB purchases by aggressively seeking out such businesses in instances where competitive bidding is not required.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.285)

Non Applicable

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.296)

Non Applicable

2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.297)

Non Applicable

3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.298)

Non Applicable

H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. See Exhibit 18 Example.

**Texas State Board of Plumbing Examiners
Exhibit 18: Equal Employment Opportunity Statistics**

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	1	0%	8.99%	0%	19.51%	100%	39.34%
2016	1	0%	8.99%	0%	19.51%	100%	39.34%
2017	1	0%	Not Available	0%	Not Available	100%	Not Available

Table 23 Exhibit 18 EEO Statistics for Officials/Administration

2. Professional (Professionals and Para-Professionals)

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	19	10.5%	11.3%	21.1%	17.4%	10.5%	59.14%
2016	17	11.8%	11.3%	17.6%	17.4%	11.8%	59.14%
2017	15	12.5%	Not Available	12.5%	Not Available	12.5%	Not Available

Table 24 Exhibit 18 EEO Statistics for Professionals

3. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	11	0%	13.57%	54.5%	30.53%	81.8%	65.62%
2016	12	0%	13.57%	58.3%	30.53%	91.7%	65.62%
2017	12	0%	Not Available	75.0%	Not Available	91.7%	Not Available

Table 25 Exhibit 18 EEO Statistics for Administrative Support

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Yes, TSBPE is required to provide training to each new employee on policies regarding discrimination and harassment no later than 30 days after the date of hire. In addition, supplemental training is required every two years. A signed statement verifying attendance is required to be maintained in the employee’s personnel file.

The TSBPE shall review new hire and workforce detail as prescribed in Sec. 21.552 of the Texas Labor Code, to compile the legislative required Equal Employment Opportunity Report. This report, along with the EEO-4 Report comparing EEO and job categories, will provide a racial, ethnic and gender profile of TSBPE personnel by job categories. These workforce profiles are compared to the available African Americans, Hispanic Americans, and females in the statewide civilian labor force to determine the exclusion or underutilization by each job category, as mandated by Sec 21.501 of the Texas Labor Code. Any underutilization shall be noted and strategies for recruitment of qualified African Americans, Hispanic Americans and females will be recommended to the Executive Director.

Director. XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

The Texas State Board of Plumbing Examiners has experienced significant growth since our last Sunset review and welcomes this review as an opportunity to improve agency functions even more and continue to serve and protect the people of Texas. The TSBPE recognizes that it will continue to face challenges as the demand for qualified Plumbers increases.

The agency is a premier example of a statewide plumbing regulatory agency, one that other states have mirrored in their enforcement, examination and overall regulation of the plumbing industry. The TSBPE has worked hard and will continue to do so through its planning and goal setting to achieve an even higher standard.

Since our last Sunset review the following recommendations were made and completed as well as other added efficiencies have been done so as to provide the best customer service possible. Below is a list of these items:

- The TSBPE's recently revamped website, www.tsbpe.texas.gov provides more information and customer services thus providing better and faster service for the users. The new website also illustrates the TSBPE's commitment to customer service in using technology to provide more information, more quickly. The agency is known for its knowledgeable experienced staff (many are licensees of the Board) but at the same time still quickly offering human contact when the Internet cannot provide the answer.
- Regularly works with the TDLR through its Memorandum of Understanding allowing Investigators from both agencies to check licenses held by occupations regulated by the other. The Plumbing Board and TDLR enforcement staff have also conducted joint investigations as circumstances allowed.
- Applicants for all the Board's registrations and examinations can now be applied for through an almost paperless electronic application. The program was developed for the electronic upload of applicant training by the provider directly to the TSBPE. This eliminates the need for the applicant to retain paper documents when later applying for examination.
- The agency shares knowledge of resources with the Health Professions Council (HPC) and seven other agencies sharing the Versa Regulatory Data Base.
- The TSBPE's Enforcement Committee was reorganized to be comprised solely of staff. This move realigned the separation of duties between staff and Board Members. By allowing only staff to participate in the reviews, the process can occur more quickly as the number of applicants has grown. In addition, this also removed staff from other committees leaving committee responsibilities to the Board which ensures accountability to the Governor, and prevents staff from making decisions on matters in which it has a direct interest. The final decisions on all contested cases are left to the Board.
- The agency has worked closely with organizations regarding training of apprentices at a high school level as well as through career technical colleges. Individuals holding an Apprentice Registration with an endorsement are also required to obtain continuing education credit prior to renewal. In addition, members of the military wishing to enter the plumbing trade after services are provided with a knowledgeable liaison to help recognize prior training that can be credited towards a plumbing license. Requirements to obtain a Journeyman Plumber license for those who have attended a four year Department of Labor (DOL) training program were also streamlined. A training program was developed for Apprentices who do not attend a DOL program. These training courses are administered by Board approved Continuing Education Providers.
- The Board has also fully addressed the need to ensure individuals with both felony and misdemeanor convictions are reviewed in the standard manner defined in the Occupations Code. The Board guidelines were also revised and have been incorporated within the rules.
- A full and complete process for issuing administrative penalties was also put in place. These penalties are issued to both licensed and non-licensed persons.

The agency and staff of the TSBPE look forward to meeting with Sunset Commission staff.