

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Saf-Mec 600 PROFESSIONAL STANDARDS

PART Saf-Mec 601 PURPOSE

Saf-Mec 601.01 Purpose. The purpose of these rules is to promote professional standards for fuel gas fitting and plumbing licensees, plumbing apprentices and fuel gas fitting trainees, certified oil heating and water treatment technicians, seminar providers and professional licensing instructors, board members, and mechanical business entities, to be evaluated under RSA 153:27 through 153:38.

Source. #12385, eff 9-20-17

PART Saf-Mec 602 DEFINITIONS

Saf-Mec 602.01 "Imminent threat to life safety" means any condition, operating feature, or combination thereof that when energized presents a hazard that could cause property damage through fire or explosion, or health or life safety hazards to the occupants, residents, or property owners.

Source. #12385, eff 9-20-17

PART Saf-Mec 603 PROFESSIONAL OBLIGATIONS

Saf-Mec 603.01 Obligations of Mechanical Business Entities and Individual Fuel Gas Fitting Licensees, Plumbing Licensees, Plumbing Apprentices, and Fuel Gas Fitting Trainees. Licensees, certificate holders, and mechanical business entities shall:

- (a) Maintain proficiency in the New Hampshire mechanical licensing laws, the adopted codes, and standards as they apply to each license discipline, and the administrative rules of the board;
- (b) Cooperate with local code enforcement personnel as required by local written ordinances;
- (c) Give accurate and complete information when asked to do so as part of an investigation or hearing by any governmental entity;
- (d) Not represent themselves as a master or journeyman plumber when registered as a plumbing apprentice; and
- (e) Not represent themselves as a licensed fuel gas fitter when registered as a fuel gas trainee.

Source. #12385, eff 9-20-17

Saf-Mec 603.02 Additional Obligations of Mechanical Business Entities and Individual Fuel Gas Fitting Licensees, Plumbing Licensees. Licensees, certified oil heating and water treatment technicians, and mechanical business entities shall:

- (a) Obtain local permits and inspections as required;
- (b) Accurately inform their customers or potential customers in writing about any reasonably foreseeable hazards and potential code violations that may pose a risk of personal safety to them, to property owners, or to occupants;
- (c) Act in good faith to recognize, repair or remove from service any appliance or system that presents an imminent threat to the health or life safety of a property owner, resident, tenant, or visitor to the property, facility, or building which the licensee discovers in the performance of their duties; and

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(d) Honor any warranty of products or services whether implied or in writing as part of a sale of services, goods, or both, to consumers in a timely and proficient manner.

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PART Saf-Mec 604 REVOCATION, SUSPENSION AND OTHER SANCTIONS

Saf-Mec 604.01 Misconduct. Misconduct shall be:

(a) The participation in, or practice of, fraud or deceit in procuring or attempting to procure a license or certificate for one's self or for the benefit of another;

(b) While licensed or certified, any conviction of:

(1) A felony;

(2) Any criminal offense involving injury to a victim or the risk of such injury; or

(3) Any criminal offense involving dishonesty;

(c) Unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of fuel gas fitting, plumbing, oil heating or water treatment, including:

(1) Any violation of the adopted rules of the board;

(2) Any violation of RSA 153:27 through 153:38;

(3) Any violation of the current adopted state building code and/or the state fire safety code;

(4) Any violation of a local code ordinance more stringent than the state fire safety or building code;

(5) The allowance by a mechanical licensee or a mechanical business entity of the performance of plumbing or fuel gas fitting work by an individual who is not a licensed fuel gas fitter, plumber, or an apprentice or trainee holding a currently valid registration license; or

(6) The allowance by a mechanical licensee of the performance of plumbing work by an apprentice in violation of the apprenticeship agreement required by RSA 278, or fuel gas fitting work by a trainee in violation of RSA 153:27 through RSA 153:38, Saf-Mec 300, or Saf-Mec 400;

(d) Negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee or certificate holder;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice plumbing or fuel gas fitting;

(f) Mental or physical incompetence to practice plumbing or fuel gas fitting;

(g) Willful or repeated violations of RSA 153:27 through RSA 153:38;

(h) Suspension or revocation without reinstatement of a license or certification similar to one issued under RSA 153:27 through 153:38 in another jurisdiction; or

(i) The failure of a mechanical licensee, plumbing apprentice, fuel gas trainee, certified oil heating technician, or certified water treatment technician to recognize, repair, or remove from service any appliance

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or system that presents an imminent threat to the health or life safety of a property owner, resident, tenant, or visitor to the property, facility, or building which the licensee discovers in the performance of their duties.

Source. #12385, eff 9-20-17

Saf-Mec 604.02 Sanctions.

(a) Pursuant to RSA 153:32, III, disciplinary measures available to sanction misconduct shall be:

- (1) A reprimand in the form of a letter sent to the licensee or certificate holder and placed on file for a period of not less than one year;
- (2) Probation for a period of time to be determined by the board in which the licensee, business entity, or certificate holder shall file monthly reports to the board for regulated work performed in New Hampshire;
- (3) Suspension, limitation, or restriction of license for a period of up to 5 years;
- (4) Revocation of license or certification; and
- (5) Requiring the licensed plumber or licensed fuel gas fitter, plumbing apprentice, fuel gas trainee, certified oil heating technician, or certified water treatment technician to participate in a program of continuing education in the area or areas in which he or she has been found deficient.

(b) Disciplinary measures specified in (a) above shall be served by the issuance of a formal "Notice of Violation" or "Written Warning," served in hand by a mechanical inspector pursuant to RSA 153:34, which is designed for the licensee, business entity, trainee, apprentice, or certificate holder to take immediate actions required to correct the deficiency noted on said forms.

Source. #12385, eff 9-20-17

Saf-Mec 604.03 Procedure for the Imposition of Sanctions. Other than the immediate suspension of licensure authorized by RSA 541-A:30, III, the board shall impose disciplinary sanctions only:

- (a) After prior notice to the licensee or certificate holder and the opportunity for him or her to be heard; or
- (b) By agreement in a settlement between the board and the licensee or certificate holder made pursuant to Saf-Mec 200.

Source. #12385, eff 9-20-17

Saf-Mec 604.04 Determinations of Sanctions.

(a) In determining which sanction or combination of sanctions to impose, the board shall:

- (1) First determine the nature of the act or omission constituting the misconduct done by the licensee or certificate holder;
- (2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below; and
- (3) Finally, apply the standards in (c) below.

(b) The characteristics shall be whether:

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- (1) The misconduct actually caused physical or mental harm to an individual;
 - (2) The misconduct had the potential to cause physical or mental harm to an individual;
 - (3) The misconduct repeated earlier misconduct done by the licensee or certificate holder, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on the same misconduct; or
 - c. An admission by the licensee or certificate holder; or
 - (4) The misconduct was committed knowingly rather than negligently or inadvertently.
- (c) The board shall select appropriate sanction(s):
- (1) From the list in RSA 153:32, III; and
 - (2) By choosing, in light of the characteristics determined pursuant to (b) above, the sanction most likely to:
 - a. Protect public health and safety;
 - b. Prevent future misconduct by the licensee or certificate holder;
 - c. Take into account any acknowledgment of fault and any cooperation by the licensee or certificate holder with the board's investigation of misconduct;
 - d. Correct any attitudinal, educational, or other deficiencies which led to the misconduct;
 - e. Encourage the responsible practice of plumbing, fuel gas fitting, oil heating, or water treatment; and
 - f. Demonstrate to the licensee or to the certificate holder and also to the public the board's intention to ensure that the practices of plumbing and fuel gas fitting are in accordance with applicable law and the public welfare.

Source. #12385, eff 9-20-17

PART Saf-Mec 605 ONGOING REQUIREMENTS FOR MECHANICAL LICENSEES, FUEL GAS TRAINEES AND PLUMBING APPRENTICES

Saf-Mec 605.01 Administrative Obligations.

- (a) Licensees, certificate holders, and business entities shall notify the board's office of a change of name, address, or telephone number within 30 days of the date of the change.
- (b) Licensed mechanical business entities shall submit an updated licensure application, free of charge, within 30 calendar days following the replacement of the responsible managing employee, corporate officer, managing member, or partner who signed the business entity's application for initial licensure.
- (c) Whenever mechanical licensees, certificate holders, or business entities begin a plumbing, fuel gas fitting, oil heating, or water treatment project, installation or replacement, in a location where there is no local code enforcement authority pursuant to RSA 155-A:2 VIII, they shall report by fax, e-mail, or letter to the board's office:

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- (1) The name of the licensee, certificate holder, or business entity beginning the job;
- (2) The address of the job site; and
- (3) Whether the job is remodeling, rehabilitation, or new construction.

Source. #12385, eff 9-20-17

Saf-Mec 605.02 Limitation on Number of Apprentices. Except as approved by the apprenticeship council pursuant to RSA 278, plumbing licensees shall employ at any one time no more than the following number of apprentices:

- (a) One apprentice per licensee if there are between one and 5 licensees; and
- (b) If there are more than 5 licensees, one additional apprentice for each 3 additional licensees.

Source. #12385, eff 9-20-17

Saf-Mec 605.03 Limitation on Number of Trainees. Gas fitting licensees shall employ at any one time no more than 2 fuel gas fitting trainees for every one licensed fuel gas fitting technician, provided that the endorsement of the licensee meets or exceeds the level of the work being performed by the trainees.

Source. #12385, eff 9-20-17

PART Saf-Mec 606 ADVERTISING OBLIGATIONS

- Saf-Mec 606.01 Advertising on Vehicles.

(a) Mechanical licensees, certificate holders, or business entities displaying their business name on the exterior of a vehicle, and representing services by using the terms "mechanical", "plumbing", "heating", "fuel gas", or "propane" shall also display the appropriate mechanical license number, as follows:

- (1) In legible type at least 2 inches in height; and
- (2) On the front left and front right side of the vehicle, or in the area where the name, offer of service, or both are displayed.

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Saf-Mec 606.02 Non-Vehicle Advertising Obligations.

(a) Mechanical licensees, certificate holders, or business entities using visual advertising to advertise licensed services shall display their license numbers on televised advertising, billboards, advertising in the press, visual advertising on the internet, visual advertising in movie theatres, and advertising on business cards and stationery.

(b) Mechanical licensees, certificate holders or business entities advertising licensed services through the use of sound shall state their license numbers at least once in every instance of radio advertising, auditory television advertising, auditory advertising on the web, and auditory advertising in movie theatres.

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PART Saf-Mec 607 PROHIBITED ACTIONS

Saf-Mec 607.01 Prohibited Actions. Fuel gas fitting and plumbing licensees, plumbing apprentices, and fuel gas fitting trainees, certified oil heating and water treatment technicians, seminar providers and professional licensing instructors, and mechanical business entities shall not:

- (a) Deny services to any person by reason of race, creed, gender, sexual orientation, country of origin, religion or disability;
- (b) Allow any other individual or entity to use the licensee's license or the certificate-holder's certificate for the purpose of facilitating the issuance of permits or for any other purpose;
- (c) If they are plumbing and/or fuel gas fitting licensees, sub-contract any plumbing and/or fuel gas fitting work to any unlicensed individual or entity;
- (d) Misrepresent to their customers or to the public, in advertising or otherwise, their services for which they are properly licensed and qualified to perform; or
- (e) Misrepresent to their customers additional services or materials not reasonably required for the work, services, or both, the customers have requested to be done without written authorized customer notification and approval.

Source. #12385, eff 9-20-17

PART 608 DUTY TO NOTIFY

Saf-Mec 608.01 Notification of Hazardous Conditions.

- (a) Fuel gas fitter and plumbing licensees and certified oil heating and water treatment technicians shall immediately notify the homeowner, resident property owner, or occupant(s) of any condition that renders any appliance, fixture, or system that presents a hazard, threat, or both, to personal or life safety.
- (b) If possible and without causing destruction to the appliance, fixture, or system, the licensee or technician shall be required to remove from service any appliance, fixture, or system that presents an imminent threat to life safety, by closing the fuel supply or appliance service valve(s) and deactivating the power switch.
- (c) Any appliance, fixture, or system that has been removed from service in order to protect the occupant(s) shall be labeled with a warning sign, label, or tag clearly stating "DO NOT OPERATE".
- (d) The practice of removing an appliance, fixture, or system from service shall not be permitted in the absence of an imminent threat to life safety.

Source. #12385, eff 9-20-17

PART 609 CONFLICTS OF INTEREST

Saf-Mec 609.01 Obligations by Mechanical Licensing Board Members. Board members and representatives of the board shall not enter into, or participate in, the following:

- (a) Any action by a board member or representative of the board that could be perceived as an unfair advantage to the business interests of a board member or representative that would not be extended equally to any other licensee, certificate holder, or business entity regulated by the board;
- (b) Any conflict of interest that presents an unfair business, financial, or regulation advantage by a board member or representative, over a licensee, certificate holder or business of another;

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(c) Any undue influence by a board member to circumvent the requirements of RSA 153:27 through 153:38, or any rules of the board; and

(d) Any direct contact by a board member to a mechanical safety inspector which is intended to seek the favor of or to influence said inspector with regards to his or her enforcement or inspection duties.

Source. #12385, eff 9-20-17

Saf-Mec 609.02 Disclosure of Conflicts. Board members shall disclose any and all possible conflicts of interest regarding the following:

(a) Any position held as a board member of a trade or education association either doing business with or regulated by the board;

(b) Any paid teaching position in any formal licensing program or continuing education program regulated by the board;

(c) Any position of influence held on any trade or lobbying association that may have direct or indirect contact with the board;

(d) Any position, whether volunteer or paid, that may present itself as having any undue influence over a licensee, certificate holder or business entity, certified or licensed by the board; and

(e) Any professional proctor that may have any contact with prospective licensees or certificate holders during any portion of the licensing or certification processes regulated by the mechanical licensing board.

Source. #12385, eff 9-20-17

PART 610 CONTINUING OBLIGATIONS FOR TRAINING SCHOOLS AND PROGRAMS

Saf-Mec 610.01 Requirements of Approved Training Programs. Approved training programs and institutions shall:

(a) Seek board approval for any changes in the approved curriculum;

(b) Seek board approval for any changes in instructors, teachers, or laboratory training providers per Saf-Mec 308.01 and Saf-Mec 308.03(a);

(c) Seek board approval for any changes in the testing or examination questions or procedures per Saf-Mec 308.02 and Saf-Mec 308.03(b);

(d) Advise the board of changes in venue, relocation of the training institution, or changes in the mailing address;

(e) Notify the board within 10 business days when a student is discharged from a licensing class for any reason including but not limited to:

(1) Attendance;

(2) Behavior;

(3) Academics; or

(4) Any violation of school rules or regulations; and

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(f) Notify the board within 3 business days of any licensee's or certificate holder's successful completion of any licensing program, session, or licensure level.

Source. #12385, eff 9-20-17

Saf-Mec 610.02 Auditing Procedures for Educational Institutions and Programs. Professional licensing and certification training institutions and programs desiring to maintain approvals obtained under Saf-Mec 308.01 or Saf-Mec 308.02 shall submit the following information to the board no less than once every 2 years, which information shall be evaluated under Saf-Mec 300 and Saf-Mec 400:

- (a) A list of the courses and programs offered by the institution;
- (b) A list of the educators, including their credentials to teach the subject matter;
- (c) The course outlines including subject matter, order of progression, and how the course complies with the adopted rules for licensure or certification;
- (d) Copies of tests, quizzes, and exams including any and all questions used for licensure or certification;
- (e) A list of exam proctors who are independent from the course instructor;
- (f) Copies of intake application forms along with any policies and procedures for students while in attendance of the course and/or training institution;
- (g) Copies of student handbooks, educational materials, and power point presentations that apply to licensing or certification course(s) offered by the educational provider; and
- (h) Any additional supporting materials requested by the board for evaluation.

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APPENDIX

Rule	Specific State Statute the Rule Implements
Saf-Mec 601 - Saf-Mec 602	RSA 153:27-a, II(a), (b)
Saf-Mec 603	RSA 153:27-a, II(a), (b); RSA 153:29, III
Saf-Mec 604	RSA 153:27-a, II(a), (b), (d); RSA 153:29, III; RSA 153:32
Saf-Mec 605	RSA 153:27-a, II(a), (b); RSA 153:29-a, I; RSA 278
Saf-Mec 606 - Saf-Mec 609	RSA 153:27-a, II(a), (b)
Saf-Mec 610	RSA 153:27-a, II(a), (b), (c)

