



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

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OPINION 13-0083

63 – B – LICENSING – For professions or occupations

Mr. Louis L. Robein
Attorney, Louisiana State Plumbing Board
2540 Severn Avenue
Suite 400
Metairie, LA 70002

La. R.S. 37:1361
La. R.S. 37:1366

The Louisiana State Plumbing Board ("LSPB") may offer continuing professional education courses to fulfill the requirements set and approved by the LSPB. Any classes sponsored by the LSPB would be subject to the substantive and procedural requirements set forth in the rules promulgated by the LSPB, including the approval process for providers of continuing education.

Dear Mr. Robein:

Our office received an opinion request from you submitted as counsel for the Louisiana State Plumbing Board ("LSPB") concerning whether the LSPB may offer continuing professional education classes to licensed plumbers to fulfill the continuing education requirement set by the LSPB.

As described in La. R.S. 37:1361(A):

The purpose of the legislature in enacting this Chapter is the protection of the health, safety, environment, and general welfare of all those persons who use and rely upon plumbing, and medical gas and vacuum systems for their personal or commercial needs, and the affording to such persons of an effective and practical protection against incompetent, inexperienced, or unlawful acts by persons who perform plumbing and medical gas and vacuum systems work. Further, the legislative intent is that the State Plumbing Board shall be the sole and exclusive agency in this state empowered to license natural persons and regulated business entities engaged or seeking to engage in the business of plumbing and medical gas and vacuum systems installation and verification and to ensure compliance with the licensing requirements of this Chapter. Nothing herein shall preclude any current authority of the State Licensing Board for Contractors.

Consistent with the above described statute, the LSPB is authorized to formulate and promulgate rules and regulations to govern the plumbing profession. Chapter 16 of Title 37 of the Revised Statutes addresses the rulemaking authority of the LSPB with respect to continuing professional development, La. R.S. 37:1366(I) providing: "[t]he board may establish and determine by rule minimum requirements relative to continuing professional development for the renewal or reinstatement of any license or special

endorsement issued by the board.” The LSPB promulgated rules which establish a program of continuing professional education (“CPE”), outlining specific CPE hours which must be obtained by active plumbers seeking to renew a journeyman or master plumber’s license (LAC 46:LV.1001),¹ a water supply protection specialist endorsement (LAC 46:LV.1003), and/or a medical gas piping installer or medical gas verifier license (LAC 46:LV.1005).

In general, the rules describe: the number of CPE hours required for renewal;² course material which must be submitted to the LSPB annually for approval;³ course form and content requirements;⁴ course provider requirements;⁵ and course instructor requirements.⁶ Further, LAC 46:LV.1001(C)(10) specifically acknowledges the authority of the LSPB to enter into a cooperative endeavor with certain groups to jointly provide CPE services to licensed journeyman and master plumbers.⁷

The question submitted to this office for consideration in this opinion request is whether the LSPB itself may offer CPE courses to fulfill the CPE requirements set and approved by the LSPB. As described by La. R.S. 37:1361(A), the purpose behind the statutes regulating the licensing of plumbers is the protection of the health, safety, environment and general welfare of all persons who use and rely upon plumbing, and medical gas and vacuum systems for personal or commercial needs, and to afford such persons an effective and practical protection against incompetent, inexperienced, or unlawful acts by persons who perform plumbing, and medical gas and vacuum systems work. Further, as described by La. R.S. 37:1366(I), the legislature has specifically authorized the LSPB to establish and determine minimum requirements relative to continuing professional development of individuals who have received a license or special endorsement issued by the LSPB. It would fit within this statutory authority for the LSPB to provide CPE courses to fulfill CPE requirements set by the LSPB. Of course, any classes sponsored by the LSPB would be subject to the substantive and procedural requirements set forth in the rules promulgated by the LSPB, including the approval process for providers of continuing education.

This conclusion is consistent with previous opinions issued by this office, where we have stated the Louisiana Board of Examiners of Certified Shorthand Reporters may sponsor continuing education courses (La. Atty. Gen. Op. No. 10-0084) and the Board

¹ LAC 46:LV.1001 provides separate requirements which pertain to licensees who hold an inactive master plumber’s license.

² LAC 46:LV.1001(A), 46:LV.1003(A), 46:LV.1005(A).

³ LAC 46:LV.1001(B), 46:LV.1003(B), 46:LV.1005(B).

⁴ LAC 46:LV.1001(C), 46:LV.1003(C), 46:LV.1005(C).

⁵ LAC 46:LV.1001(D), 46:LV.1003(D), 46:LV.1005(D).

⁶ LAC 46:LV.1001(E), 46:LV.1003(E), 46:LV.1005(E).

⁷ Please note that the authority for the LSPB to enter into such a cooperative endeavor is not granted pursuant to this rule, but rather is consistent with the authority described by La. Const. art. VII, §14(C) to enter into cooperative endeavors, which provides: “For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual.”

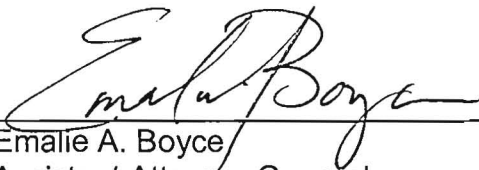
of Pharmacy may sponsor continuing education programs (La. Atty. Gen. Op. No. 86-222).

Please note that any ethical implications of your contemplated action is governed by the Louisiana Code of Governmental Ethics, La. R.S. 42:1111 et seq. The Louisiana Board of Ethics renders advisory rulings regarding the Code of Governmental Ethics. You may contact the Board of Ethics by telephone at 225-219-5600 or by mail at Post Office Box 4368, Baton Rouge, Louisiana, 70821.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY: 
Emalie A. Boyce
Assistant Attorney General

JDC: EAB