

ALABAMA BOARD OF
HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS
ADMINISTRATIVE CODE

CHAPTER 440-X-4
CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED CONTRACTORS

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440-X-4-.01	<u>Continuing Education Program; Continuing Education Committee.</u>

(1) The Board shall adopt an annual program of continuing education for certified contractors by January 1 of each year. The Board may designate a Continuing Education Committee on an annual basis to assist in the development of a curriculum of courses each year. The Board may charge fees for reviewing continuing education providers, courses and/or instructors.

(2) The Continuing Education Committee may recommend to the Board the approval or disapproval of courses and classes that meet the requirements for continuing education credit hours for certified contractors.

(3) The Board may require all courses or classes that seek status as approved by the Board to first be submitted, along

with the appropriate fees, to the Continuing Education Committee for recommended approval or disapproval by the Board.

Authors: Mark Montiel, Kathy LeCroix

Statutory Authority: Code of Ala. 1975, §34-31-26.

History: Filed August 20, 1986. **Amended:** Filed July 12, 1988; December 29, 1988. Emergency rule filed April 16, 1992.

Amended: Filed June 8, 1992. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009.

440-X-4-.02 Requirements.

(1) Beginning in the calendar year 2010, all certified contractors shall be required to acquire four (4) credit hours of continuing education every year. Hours of credit in excess of the minimum annual requirement may be carried forward and applied to the succeeding calendar year's requirement only; however such hours must be reported in the year in which they were completed and must be designated as hours to be carried forward. The Board may require certified contractors and providers to submit to the Board proof of compliance with the continuing education requirement on an annual basis to allow the Board to maintain its records regarding continuing education attendance of each certified contractor.

(2) All certified contractors licensed with the Board shall complete the required continuing education hours prior to receiving a renewal of their certification. The failure to complete the minimum continuing education requirements shall prevent the renewal of a certified contractor's license until proof of compliance is submitted in writing to the Board, all late, penalty and delinquent fees are applicable.

Authors: Mark Montiel, Kathy LeCroix

Statutory Authority: Code of Ala. 1975, §34-31-26.

History: **New Rule:** Filed April 9, 2003; effective May 14, 2003.

Amended: Filed August 14, 2009; effective September 18, 2009.

440-X-4-.03 Deficiency. In the event medical hardship or emergency prevents a certified contractor from timely complying with the Board's continuing education requirements, the Board may allow the certified contractor to submit a deficiency plan, along with the appropriate fees, on a form prescribed by the Board, for approval by the Board, which shall describe the contractor's plan for compliance with the continuing education requirements. The proposed deficiency plan shall be specific in describing the plan

for full compliance with the continuing education requirement and shall be accompanied by the deficiency plan fee established by the Board.

Authors: Mark Montiel, Kathy LeCroix

Statutory Authority: Code of Ala. 1975, §34-31-26.

History: New Rule: Filed April 9, 2003; effective May 14, 2003.

Amended: Filed August 14, 2009; effective September 18, 2009.

440-X-4-.04 Annual Program; Approval Of Courses And Curricula.

(1) The annual program of continuing education established by the Board shall contain the procedures and fees, for approval of proposed courses and curricula for credit hours of continuing education by certified contractors. All institutions, organizations, and individuals shall submit proposed courses and curricula, along with the appropriate fees, to the Board's Continuing Education Committee for recommended approval or disapproval by the Board. The Board will consider proposed courses and curricula for approval only after a review of the proposal by the Board's Continuing Education Committee. Requests for approval of proposed courses and curricula shall contain detailed information regarding the instructors to be used; the proposed physical facilities and classrooms, including equipment to be utilized in instruction; the course syllabus, which shall include a sufficient description of the planned instruction, resource materials, and textbooks involved in the instruction; and the length of the course instruction. The proposed courses and curricula should also include the resumes, areas of specialty, and prior teaching experience of proposed instructors.

(2) Upon request to the Board, the Board shall furnish a copy of its standards for approval of proposed continuing education courses and curricula as recommended by the Continuing Education Committee and approved by the Board. The Board shall maintain a list of all approved courses and curricula to assist certified contractors in efforts to comply with the state law requirements of continuing education.

Authors: Mark Montiel, Kathy LeCroix

Statutory Authority: Code of Ala. 1975, §34-31-26.

History: New Rule: Filed April 9, 2003; effective May 14, 2003.

Amended: Filed August 14, 2009; effective September 18, 2009.

**440-X-4.05 Denial Of Application For Course Or Curricula;
Request For Reconsideration.** The Board may deny any application

for course or curriculum approval that fails to meet the established standards of the Board or which the Board considers inadequate to properly educate its certified contractors. The Board may consider requests for reconsideration of approval of courses and curricula which have been denied upon a submission of a written request to the Board.

Author: Mark Montiel

Statutory Authority: Code of Ala. 1975, §34-31-26.

History: New Rule: Filed April 9, 2003; effective May 14, 2003.

Amended: Filed August 14, 2009; effective September 18, 2009.

440-X-4.06 **Written Agreement Upon Approval.** Upon approval of a proposed course or curriculum by the Board, the Board shall require the approved provider to execute a written agreement to conduct the approved course and curriculum in accordance with the terms of the Board's approval. This agreement shall be signed by the applicant for course and curriculum approval.

Author: Mark Montiel

Statutory Authority: Code of Ala. 1975, §34-31-26.

History: New Rule: Filed April 9, 2003; effective May 14, 2003.

Amended: Filed August 14, 2009; effective September 18, 2009.

440-X-4-.07 **Revocation, Suspension, Termination Of Course Or Curricula.**

(1) The Board may revoke, suspend, or terminate any course or curriculum approval if the Board determines that a course provider has failed to comply with the Rules of the Board or its continuing education requirements or has failed to comply with its written agreement regarding conduct of the approved course or curriculum.

(2) The Board may request that a course provider reapply to the Board for approval if the provider has not held any classes for continuing education credit or submitted a roster to the Board for a period of four years. The provider will be required to submit a new application along with all appropriate fees to the Board for approval prior to holding a class for continuing education credit.

Authors: Mark Montiel, Kathy LeCroix

Statutory Authority: Code of Ala. 1975, §34-31-26.

History: New Rule: Filed April 9, 2003; effective May 14, 2003.

Amended: Filed August 14, 2009; effective September 18, 2009.

440-X-4-.08 Monitoring Of Course And Curricula. The Board shall have the authority to monitor all approved courses and curricula to insure that approved providers and instructors fully comply with the Rules of the Board and the conditions of approval by the Board.

Author: Mark Montiel

Statutory Authority: Code of Ala. 1975, §34-31-26.

History: New Rule: Filed April 9, 2003; effective May 14, 2003.

Amended: Filed August 14, 2009; effective September 18, 2009.

440-X-4-.09 Over 65 Years Of Age Exemption From Continuing Education Requirements For Inactive Contractors Only.

(1) Any INACTIVE contractor who is 65 years of age or older is exempt from continuing education requirements. The inactive contractor is not eligible for this exemption until the year after they turn 65 years old. This exemption does not apply for the year in which the inactive contractor turns 65 years old.

(a) Example: (1) If the inactive contractor is 64 on January 1, 2010 and turns 65 on January 2, 2010 the inactive contractor does not qualify for the exemption for the 2010 licensing year, however the inactive contractor will qualify for the exemption during the renewal period for the 2011 licensing year.

(b) Example: (2) If the inactive contractor turns 65 on December 31, 2009 they would qualify for the exemption and not be required to have 4 hours of continuing education to renew for 2010 licensing year because their birthday occurred prior to the 2010 licensing year.

(2) Once the inactive contractor returns to active status after the age of 65, they will need to submit 8 hours of Continuing Education prior to receiving an active contractor's license. This exemption does not apply to contractors 65 years or older who hold an active certification.

Author: Jeffery Becraft, Kathy LeCroix

Statutory Authority: Code of Ala. 1975, §34-31-26, Act No. 2009-486.

History: New Rule: Filed August 14, 2009; effective September 18, 2009.

440-X-4-.10 **First Year Continuing Education Exemption.** A certified contractor is not required to obtain four (4) hours of continuing education hours in order to renew their license for the first renewal year following the year he or she received their initial license.

Author: **Jeffrey** Becraft, Kathy S. LeCroix

Statutory Authority: Code of Ala. 1975, §34-31-21(a); Act No. 2009-486.

History: **New Rule:** Filed March 6, 2013; effective April 10, 2013.