

CONTINUING EDUCATION REQUIREMENTS

*Administrative Rules of the Texas Department of Licensing and Regulation
16 Texas Administrative Code, Chapter 59*

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59.1. Authority. *(Effective November 24, 2004, 29 TexReg 10765)*

These rules are promulgated under the authority of Texas Occupations Code, §51.405.

59.3. Purpose and Applicability. *(Effective November 24, 2004, 29 TexReg 10765; amended effective June 1, 2005, 30 TexReg 3093; amended effective December 8, 2005, 30 TexReg 8060; amended effective December 1, 2006, 31 TexReg 9601; amended effective January 12, 2009, 34, TexReg 200)*

These rules are promulgated to establish continuing education provider and course requirements for the following occupations regulated by the Department of Licensing and Regulation:

- (1) Air conditioning and refrigeration contractors, as provided by Texas Occupations Code, Chapter 1302. Additional continuing education requirements relating to air conditioning and refrigeration contractors may be found in Chapter 75 of this title.
- (2) Auctioneers and associate auctioneers, as provided by Texas Occupations Code, Chapter 1802. Additional continuing education requirements relating to auctioneers and associate auctioneers may be found in Chapter 67 of this title.
- (3) Cosmetologists, as provided by Texas Occupations Code, Chapters 1602 and 1603. Additional continuing education requirements relating to cosmetologists may be found in Chapter 83 of this title.
- (4) Electricians, as provided by Texas Occupations Code, Chapter 1305. Additional continuing education requirements relating to electricians may be found in Chapter 73 of this title.
- (5) Licensed court interpreters, as provided by Texas Government Code, Chapter 57, Subchapter C. Additional continuing education requirements relating to licensed court interpreters may be found in Chapter 80 of this title.
- (6) Property tax consultants, as provided by Texas Occupations Code, Chapter 1152. Additional continuing education requirements relating to property tax consultants may be found in Chapter 66 of this title.
- (7) Registered accessibility specialists, as provided by Texas Government Code, Chapter 469. Additional continuing education requirements relating to registered accessibility specialists may be found in Chapter 68 of this title.
- (8) Towing operators, as provided by Texas Occupations Code, Chapter 2308. Additional continuing education requirements relating to towing operators may be found in Chapter 86 of this title.
- (9) Water well drillers, pump installers and apprentices, as provided by Texas Occupations Code, Chapters 1901 and 1902. Additional continuing education requirements relating to water well drillers, pump installers, and apprentices may be found in Chapter 76 of this title.

59.10. Definitions. *(Effective November 24, 2004, 29 TexReg 10765)*

The following terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) **Department**--The Texas Department of Licensing and Regulation.
- (2) **Commission**--The Texas Commission of Licensing and Regulation.
- (3) **Continuing Education Courses or Courses**--Department-approved courses that may be completed to satisfy continuing education requirements.

- (4) **Continuing Education Provider or Provider**--A person registered by the department to offer continuing education courses.
- (5) **Day**--A calendar day.

59.20. Provider Registration. *(Effective November 24, 2004, 29. TexReg 10765)*

- (a) Continuing education providers must be registered with the department to provide or offer to provide continuing education courses.
- (b) A separate provider registration is required for each occupation (electrician, auctioneer, etc.) for which an applicant wishes to provide continuing education courses.
- (c) To register, an applicant shall:
 - (1) file a completed application on the appropriate department-approved form; and
 - (2) pay all applicable fees.
- (d) To be registered as a provider, an applicant must demonstrate the capability to meet the requirements of this chapter and other applicable department requirements.

59.21. Provider Registration Renewals. *(Effective November 24, 2004, 29. TexReg 10765)*

- (a) Provider registrations are valid for one year and may be renewed at the end of each registration period.
- (b) To renew a registration, a provider shall:
 - (1) file a completed application for renewal on the appropriate department-approved form; and
 - (2) pay all applicable fees.
- (c) Late renewal fees for registrations issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).

59.30. Continuing Education Courses. *(Effective November 24, 2004, 29. TexReg 10765)*

- (a) Each continuing education course offered by a provider must be approved by the department before being offered.
- (b) A provider must obtain a separate course approval for each occupation (electrician, auctioneer, etc.) which will be awarded continuing education credit for a particular course.
- (c) Except as provided in subsection (d), course approvals are valid for one year and must be submitted annually for approval.
- (d) If a provider's registration expires, all course approvals for that provider expire upon the expiration of the registration.
- (e) To obtain approval of a course, a provider must file a completed application on the appropriate department-approved form with all applicable fees.
- (f) Each application for course approval shall be accompanied by:
 - (1) subject matter outline, including time allotted for each segment; and

- (2) copies of course materials such as textbooks, videos, tapes, handouts, study materials, and any additional documentation.
- (g) Course materials must have the following characteristics:
 - (1) appropriate grammar, spelling and punctuation;
 - (2) appropriate illustrations and graphics to show concepts not easily explained in words; and,
 - (3) comprehensive presentation of subject matter intended to increase or maintain the skills or competence of the Licensee.
- (h) Unless commission rules relating to continuing education requirements for a specific occupation provide otherwise, continuing education courses shall cover one or more of the following aspects in the area of licensure:
 - (1) technical,
 - (2) business,
 - (3) health,
 - (4) safety,
 - (5) legal, or,
 - (6) other relevant topics approved by the department.
- (i) Courses designed specifically to promote a manufacturer's product will not be considered for approval.
- (j) Upon approval the department will determine the number of hours of continuing education credit for a course.
- (k) One hour of continuing education credit is equivalent to 50 minutes of actual instruction time.
- (l) The department may not approve courses in increments of less than one hour of continuing education credit.
- (m) To determine whether a provider is complying with the requirements of this chapter, department employees and representatives may conduct on-site audits of a provider and any continuing education courses offered by a provider. Audits may be conducted without prior notice to the provider, and department employees and representatives may enroll and attend a course without identifying themselves as employees or representatives of the department.
- (n) Department employees and representatives performing an audit may not be required to pay any fee to a provider for enrolling in or attending a course.

59.51. Responsibilities of Providers. *(Effective November 24, 2004, 29. TexReg 10765)*

- (a) A provider must ensure that courses are delivered in a manner conducive to learning.
- (b) A provider must include in all advertisements for a continuing education course the provider's number and the course number assigned to it by the department. Provider web page announcements concerning courses are considered advertisements for purposes of this rule.
- (c) A provider must ensure that instructors possess both the subject matter knowledge they are teaching as well as the teaching ability required to impart the information.
- (d) No later than 15 days after the course completion date, a provider must issue to each participant who attended

the entire course a certificate of completion that includes the following information:

- (1) name and number of course;
 - (2) course completion date;
 - (3) provider name and number;
 - (4) number of hours of continuing education credit for which the course is approved;
 - (5) signature of the provider representative; and
 - (6) name, license type and license number of the participant who attended.
- (e) A provider must submit to the department, on the appropriate department-approved form, a course completion report no later than seven days after the course completion date. The report shall include the following information:
- (1) name and number of course;
 - (2) course completion date;
 - (3) provider name and number;
 - (4) the location where the course was taught;
 - (5) the number of participants to whom a certificate was issued; and
 - (6) the name, license type and license number of each participant to whom a certificate of completion was issued;
- (f) A provider must retain participant course completion records for a period of two years after completion of a course.
- (g) Upon request, a provider shall provide to a participant, within ten days of the date of the request, copies of the participant's records. A reasonable fee to cover copying costs may be charged to the participant.
- (h) Upon request, a provider shall provide information, including copies of specified records, to the department within ten days of the date of the request.
- (i) A provider shall cooperate fully with the department, its employees and representatives in the investigation of a complaint or performance of an audit.
- (j) A provider may not publish false or misleading advertisements.
- (k) An advertisement which contains a fee charged by a provider shall display all fees for the course in the same place in the advertisement and with the same degree of prominence. If the provider requires participants to purchase course materials which are not included in the tuition, such fees must appear in the advertisement.
- (l) Providers are responsible for the conduct and administration of their courses, including the punctuality of classroom sessions, verification of participant attendance and instructor performance. Providers shall ensure that their courses are administered in substantially the same manner as represented in the application for course approval.
- 59.80. Fees.** *(Effective November 24, 2004, 29. TexReg 10765)*
- (a) Provider application fee per occupation: \$250.

- (b) Provider renewal application fee per occupation: \$250.
- (c) Course-approval fee per occupation: \$100.
- (d) Issuance of a revised or duplicate registration: \$25.
- (e) All fees paid to the department are non-refundable.

59.90. Sanctions--Administrative Sanctions and Penalties. *(Effective November 24, 2004, 29. TexReg 10765)*

- (a) If a person violates any provision of this chapter, or any provision of a statute or rule administered by the department, or a commission or executive director order, the department may assess administrative penalties pursuant to Texas Occupations Code, §§51.301 and 51.302 or administrative sanctions pursuant to Texas Occupations Code, §51.353.
- (b) Any of the following actions by a person is a violation of this chapter and may result in the assessment of administrative penalties or administrative sanctions against the person:
 - (1) Changing a program teaching method or course content without the approval of the department;
 - (2) Issuing a certificate of completion to an individual who did not complete the approved course;
 - (3) Refusing to issue a certificate of completion to an individual who has satisfactorily completed an approved course;
 - (4) Fraud or misrepresentation in an application process for provider registration or course approval;
 - (5) Fraud or misrepresentation regarding maintenance of records, teaching method, program content, or issuance of certificates; or
 - (6) Failing to cooperate with the department in an investigation or audit.
- (c) An order of suspension issued under this section may be probated upon reasonable terms and conditions as determined by the commission.
- (d) A person will have an opportunity for an administrative hearing pursuant to the provisions of Chapter 2001, Government Code if the department proposes to assess any administrative penalties or sanctions.