

The Plumbing & Mechanical Systems board is currently considering the following changes to their rules in 641 Iowa Administrative Code, chapters 23 and chapter 29. The intent of the changes is to clarify existing policies/rules. The board is seeking industry input PRIOR to considering these rules as a Notice of Intended Action and going through the formal rule making process. If the board proceeds with any rule changes, there will be an additional opportunity for public comment as well as a public hearing.

**Item 1. Adopt new definition of “inactive status” and amend definition of “lapsed license” as follows:**

**641—23.1(105) Definitions.** For purposes of these rules, the following definitions shall apply:

“Inactive license” means a license that is available for a plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professional who is not actively engaged in running a business or working in the business in the corresponding discipline at that license level. An inactive license must be renewed prior to its expiration date to remain current. An inactive license is not valid for practice until the license is reactivated by the board.

“Lapsed license” means a license that expired prior to June 30, 2017, and was not renewed within 60 days following its expiration date and is no longer valid for practice, or a license that expired on or after June 30, 2017, and was not renewed by the following August 31.

**Item 2. Adopt new definitions as follows and amend definition of “inactive license”:**

**641—29.1(105) Definitions.** For purposes of these rules, the following definitions shall apply:

“Contractor” means a person or entity that provides plumbing, mechanical, HVAC-refrigeration, or hydronic systems services on a contractual basis and who is paid a predetermined amount under that contract for rendering those services.

“Inactive license” means a license that is available for a plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professional who is not actively engaged in running a business or working in the business in the corresponding discipline at that license level. An inactive license must be renewed prior to its expiration date to remain current. An inactive license is not valid for practice until the license is reactivated by the board.

“Lapsed license” means a license that was not renewed within 60 days following its expiration date and is no longer valid for practice.

“Reactivated license” means a license that is changed from inactive to active status pursuant to rule 641—29.8(105).

“Reissued license” means a refrigeration or HVAC license that was changed to a HVAC-refrigeration license pursuant to 641—29.8(105). Reissued license also means a HVAC or refrigeration license and a hydronic license that was changed to a mechanical license pursuant to 641—29.8(105).

**Item 3. Rescind subrules 29.5(3) and 29.5(5) (new rule 29.11 would cover this):**

~~— 29.5(3) If the applicant is notified that the application is incomplete, the applicant must contact the board office within 90 days. The board may be contacted at: Plumbing and Mechanical Systems Board, Iowa Department of Public Health, 312 E.12th Street, 5th Floor, Des Moines, Iowa 50319, or by calling 1-866-280-1521.—~~

~~29.5(5) Complete applications shall be filed with the plumbing and mechanical systems board. Incomplete applications shall be considered invalid and after 90 days shall be destroyed.~~

**Item 4. Amend subrule 29.7(1) as follows:**

**29.7(1) Renewal period.** The period of licensure to operate as a contractor or work as a master, journeyman or apprentice in the plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board shall be for a period of three years, except as allowed or required in circumstances described in this subrule.

*a.* All licenses issued or renewed on or after July 1, 2014, shall expire on June 30 every three years, beginning with June 30, 2017.

~~*b.* All licenses that currently possess an expiration date prior to June 30, 2014, shall be granted a one-time extension of the expiration date to June 30, 2014, at no additional charge and with no additional continuing education requirements. The licensees holding the licenses described in this rule shall pay a full renewal fee upon renewal and shall be issued a license with an expiration date of June 30, 2017.~~

~~*b.*~~ Licensees with a renewal date that falls from July 1, 2014, through June 29, 2017, shall have the license renewal fee prorated using a one-sixth deduction for each six-month period following July 1, 2014. Applicable late renewal fees shall apply during this period. Licenses renewed through June 29, 2017, shall be issued with an expiration date of June 30, 2017.

~~*c.*~~ Fees for new licenses issued after the July 1 beginning of each three-year renewal cycle shall be prorated using a one-sixth deduction for each six-month period of the renewal cycle.

~~*d.*~~ A licensee whose license expires between June 30, 2014, and July 1, 2017, may voluntarily renew the license early so the license may have an expiration date of June 30, 2017. This voluntary early renewal may happen at any time on or after July 1, 2014. Notwithstanding any shortened compliance period, licensees who renew their licenses between June 30, 2014, and July 1, 2017, shall meet all of the continuing education requirements that would otherwise be required at both the July 1, 2017, renewal and the prior renewal.

**Item 5. Delete existing subrule 29.7(3) and adopt new subrules 29.7(3) to 29.7(6) as follows:**

**29.7(3) Specific renewal requirements.**

*a. Active and inactive apprentice, journeyman, and master licenses. An apprentice, journeyman, or master licensee seeking renewal shall:*

~~(1) Submit an application for renewal either electronically or on the forms provided by the board office.~~

~~(2) Meet the continuing education requirements as set forth in rule 641—30.2(105).~~

~~(3) Include the appropriate fee as specified in 641—Chapter 28 of these rules. A penalty shall be assessed by the board for late renewal, as specified in 641—Chapter 28.~~

*b. Contractor licenses. A contractor licensee seeking renewal shall:*

~~(1) Submit an application for renewal on the forms provided by the board office. Licensees may renew their licenses online or via paper application.~~

(2) Include evidence of professional liability insurance and a surety bond required by subrule 29.2(4).

(3) Include the appropriate fee as specified in 641—Chapter 28 of these rules. A penalty shall be assessed by the board for late renewal, as specified in 641—Chapter 28.

29.7(4) Complete and timely filed application. No renewal application shall be considered timely and sufficient until received by the board office and accompanied by all material required for renewal and all applicable renewal and late fees. Incomplete applications will not be accepted. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for renewals submitted online, the electronic timestamp will be deemed the date of filing.

29.7(5) Late renewal. A licensee shall have a one month grace period after the expiration date of the license to renew without payment of a late fee.

a. A licensee who seeks to renew more than one month but less than two months after the license expiration date, may renew upon payment of the late fee in the amount specified in 641—Chapter 28 in addition to the renewal fee.

b. A license remains valid for practice for up to two months past the expiration date of the license. After two months, the license shall lapse and become invalid for practice until the license is reinstated.

29.7(6) Reinstatement. A person seeking reinstatement of a lapsed license must submit an application for reinstatement electronically or on the forms provided by the board office and include all required documentation and fees.

a. A licensee who allows a license to lapse for more than two months but not more than 365 days may reinstate and renew the license upon payment of the late penalty fee in the amount specified in 641—Chapter 28 in addition to the renewal fee. The licensee must also meet the continuing education requirements as set forth in rule 641—30.2(105).

b. A licensee who allows a license to lapse for more than one year may reinstate and renew the license upon payment of the renewal fee in the amount specified in 641—Chapter 28, along with evidence of one the following:

- (1) Retaking and successfully passing the applicable licensing examination; or
- (2) Completing all continuing education requirements as set forth in rule 641—30.2(105) for each renewal period in which the license was not timely renewed.

c. A licensee who reinstates and renews a lapsed license shall not be entitled to a prorated renewal fee.

**NOTE: For reinstatement, the main change from the existing rules would be eliminating the word “retaking” and adding the language “for each renewal period in which the license was not timely renewed.” See below for copy of existing reinstatement rules (29.7(3) “d” to “e”:**

*d.* A licensee who allows a license to lapse for more than one year may reinstate and renew the license by either of the following means:

- (1) Retaking and successfully passing the applicable licensing examination and paying the appropriate renewal fee as defined in 641—subrule 28.1(3), or
- (2) Retaking and successfully completing all continuing education requirements as set forth in rule 641—30.2(105) and paying the appropriate renewal fee as defined in 641—subrule 28.1(3).

*e.* A licensee who reinstates and renews a lapsed license under paragraph 29.7(3)“*d*” shall not be entitled to a prorated, reduced renewal fee.

**Item 6. Renumber rule 641—29.8(105) to 641—29.9(105) as 641—29.9(105) and 641—29.10(105).**

**Item 7. Adopt a new rule 641—29.8(105) as follows:**

**641—29.8(105) Reactivation of an inactive license.** An inactive license is not valid for practice but must be renewed in accordance with rule 641—29.7(105). If an inactive license has not been timely renewed and becomes lapsed, the requirements for reinstatement of the license must be met. A person with a current inactive license seeking to reactivate the license to active status shall:

29.8(1) Submit a written request to the board office for active license status; and

29.8(2) Pay the fee for an active license in the amount specified in 641—Chapter 28.

**Item 8. Consider adopting new rules as follows:**

**641—29.11(105) Applicant responsibilities.** An applicant for an initial license or license renewal bears full responsibility for each of the following:

1. Paying all fees charged by regulatory authorities, state or national testing or credentialing organizations, and educational institutions providing the information required to complete a license, certification, or renewal application; and

2. Providing accurate, up-to-date, and truthful information on the application form including, but not limited to, prior professional experience, education, training, criminal history, and disciplinary history.

3. Submitting complete application materials. An application for a license or certification, or renewal of a license or certification will be considered active for 90 days from the date the application is received. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for applications submitted online, the electronic timestamp will be deemed the date of filing. If the applicant does not submit all materials within this time period or if the applicant does not meet the requirements for the license or certification, the application shall be considered incomplete and destroyed.

**641—29.12(105) Review of applications.** Upon receipt of a completed application, the board executive officer or designee has discretion to:

1. Authorize the issuance of the license or examination application.

2. Refer the application to a committee of the board for review and consideration when the board executive officer determines that matters including, but not limited to, prior criminal history, chemical dependence, competency, physical or psychological illness, professional liability claims or settlements, professional disciplinary history, education or experience are relevant in determining the applicants' qualifications for a license, certification, or examination.

**29.12(1)** Following review and consideration of an application referred by the board executive officer, the committee may at its discretion:

a. Authorize the issuance of the license or exam application.

b. Recommend to the board denial of the license or exam application.

c. Recommend to the board issuance of the license under certain terms and conditions or with certain restrictions.

d. Refer the license or examination application to the board for review and consideration without recommendation.

**29.12(2)** Following review and consideration of a license or exam application referred

by the committee the board shall:

- a. Authorize the issuance of the license or exam application;
- b. Deny the issuance of the license or exam application; or
- c. Authorize the issuance of the license under certain terms and conditions or with certain restrictions.

29.12(3) The committee or board may require an applicant to appear for an interview before the committee or the full board as part of the application process.

**641—29.13(105) Grounds for denial of application.** The board may deny an application for license, certification, or examination for any of the following reasons:

- 1. Failure to meet the requirements for license, certification, or examination as specified in these rules.
- 2. Failure to provide accurate and truthful information, or the omission of material information.
- 3. Pursuant to Iowa Code section 105.22, upon any of the grounds for which licensure may be revoked or suspended.

This rule is intended to implement Iowa Code section 105.22.

FYI – rules for license denial and denial of an application to renew license are specified in 641—Chapter 33 (Contested Cases), rules 33.36 and 33.37. The board may want to consider moving these to chapter 29, after the above rules.