

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rule making related to military service and veteran reciprocity for fire extinguishing and alarm systems contractors and installers and providing an opportunity for public comment

The Department of Public Safety hereby proposes to adopt new Chapter 278, “Military Service and Veteran Reciprocity for Fire Extinguishing and Alarm Systems Contractors and Installers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 272C.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272C.4.

Purpose and Summary

The purpose of proposed Chapter 278, regarding military service and veteran reciprocity for fire extinguishing and alarm system contractors and installers, is to lay out the process for a military service applicant to obtain credit for education, training, or service that can be applied toward licensure as a contractor or installer. The chapter will also lay out the process for a veteran who is currently licensed in a different jurisdiction to obtain reciprocity in Iowa for that license.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 25, 2019. Comments should be directed to:

Chandler Collins
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: collins@dps.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** 661—Chapter 278:

CHAPTER 278

MILITARY SERVICE AND VETERAN RECIPROCITY FOR FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND INSTALLERS

661—278.1(272C) Definitions. The following definitions apply to this chapter.

“*Department*” means the department of public safety.

“*Division*” means the state fire marshal division of the department of public safety.

“*Military service*” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“*Military service applicant*” means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

“*Veteran*” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

661—278.2(272C) Military education, training, and service credit. A military service applicant may apply for credit for verified military education, training, or service, toward any experience or educational requirement for licensure, by submitting a military service application form to the division.

278.2(1) The military service application may be submitted with an application for licensure, or prior to applying for licensure. No fee is required for the submission of an application for military service credit.

278.2(2) The military service applicant shall identify the experience or educational licensure requirement for which the credit would be applied, if granted.

278.2(3) The military service applicant shall provide military transcripts, a certified affidavit, or documents that verify completion of the relevant military education, training, or service. These documents may include the military service applicant’s Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

278.2(4) Upon receipt of a completed military service application, the division shall promptly determine whether the verified military education, training, or service will satisfy all or part of the identified experience or educational qualifications for licensure.

278.2(5) The division shall grant credit for the military service application, in whole or in part, if the division determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for licensure.

278.2(6) The division shall inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for licensure, or explain why no credit was granted. The military service applicant may request reconsideration.

278.2(7) A military service applicant who is aggrieved by the division's decision may request a contested case (administrative hearing) and may participate in the contested case by telephone. A request for a contested case shall be made within 30 days of the issuance of the division's decision. There are no fees or costs assessed against the military service applicant in connection with a contested case conducted pursuant to this subrule.

278.2(8) The division shall grant or deny the military service application prior to ruling on the application for licensure. The military service applicant shall not be required to submit any fees in connection with the licensure application unless the division grants the military service application. If the division does not grant the military service application, the military service applicant may withdraw the licensure application or request that the licensure application be placed in pending status for up to one year, unless otherwise mutually agreed upon. The withdrawal of a licensure application shall not preclude subsequent military service applications or licensure applications, supported by additional documentation or information.

661—278.3(272C) Veteran reciprocity.

278.3(1) A veteran with a fire protection or alarm system license in another jurisdiction may apply for licensure in Iowa through reciprocity, based on the reciprocity procedures for fire protection and alarm systems licensees as set out in the administrative rules in effect at the time that the military service application is made, and in compliance with any agreements with other jurisdictions regarding reciprocity. A fully completed licensure application submitted by a veteran under this subrule is to be given priority and is expedited.

278.3(2) A licensure application shall contain all of the information required of all military service applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity. This information includes, but is not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history and, if applicable, a criminal history background check. In addition, the veteran shall provide such documentation as is reasonably needed to verify the veteran's status as a veteran under Iowa Code section 35.1(2).

278.3(3) Upon receipt of a fully completed licensure application, the division shall promptly determine if the licensing requirements of the jurisdiction where the veteran is licensed are substantially equivalent to the licensing requirements in Iowa. The division shall make this determination based on information supplied by the veteran and additional information the division may acquire from the applicable jurisdiction. The division may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

278.3(4) The division shall promptly grant a license to the veteran if the veteran is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to the licensing requirements in Iowa, unless the veteran is ineligible for licensure based on other grounds, such as the veteran's disciplinary or criminal history.

278.3(5) If the division determines that the licensing requirements of the jurisdiction in which the veteran is licensed are not substantially equivalent to the licensing requirements in Iowa, the division shall promptly inform the veteran of the additional experience, education, or examinations required for licensure in Iowa. Unless the veteran is ineligible for licensure based on other grounds, such as disciplinary or criminal history, the following shall apply:

a. If a veteran has not obtained the required certification for licensure, the veteran may not be issued a provisional license but may request that the licensure application be placed in pending status for up to one year, or as mutually agreed upon, to provide the veteran with the opportunity to satisfy the certification requirements.

b. If additional experience or education is required for the veteran's qualifications to be considered substantially equivalent, the veteran may request that the division issue a provisional license for a specified period of time, during which the veteran will successfully complete the necessary experience or education. The division shall issue a provisional license for a specified period of time upon such conditions as the division deems reasonably necessary to protect the health, welfare, or safety

of the public unless the division determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a provisional license is granted.

c. If a request for a provisional license is denied, the division shall notify the veteran in writing, explaining the decision, and shall inform the veteran of the steps the veteran may take in order to receive a provisional license.

d. If a provisional license is issued, the application for full licensure is placed in pending status until the necessary experience or education has been successfully completed or the provisional license expires, whichever comes first. The division may extend a provisional license on a case-by-case basis for good cause.

278.3(6) A veteran who is aggrieved by the division's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in the contested case by telephone. A request for a contested case shall be made within 30 days of the issuance of the division's decision. There are no fees or costs assessed against the veteran in connection with a contested case conducted pursuant to this subrule.

These rules are intended to implement Iowa Code section 272C.4.