

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rule making related to licensing and providing an opportunity for public comment

The Plumbing and Mechanical Systems Board hereby proposes to amend Chapter 32, “Plumbing and Mechanical Systems Board—Licensee Discipline,” and Chapter 60, “Plumbing and Mechanical Systems Board—Noncompliance Regarding Child Support, Nonpayment of State Debt, and Noncompliance Regarding Student Loan Repayment,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 105.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 105 and 272C; 2019 Iowa Acts, Senate File 304; and 2019 Iowa Acts, Senate File 567.

Purpose and Summary

The proposed amendments to Chapter 32 reflect changes made by 2019 Iowa Acts, Senate File 567, which specified when the Board can deny a license. Minor edits and changes are also included.

The proposed amendments to Chapter 60 reflect changes made by 2019 Iowa Acts, Senate File 304, which repealed the sections of the Iowa Code that provided authority for 641—Chapter 195. Chapter 60 currently references 641—Chapter 195, which has been rescinded. The proposed amendments prohibit the suspension or revocation of a license issued by the Board to a person who is in default or is delinquent on student loan repayment or a service obligation.

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

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 Board for a waiver of the discretionary provisions, if any, pursuant to the Board’s general waiver provisions contained in 641—Chapter 31.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 17, 2020. Comments should be directed to:

Kane Young
Plumbing and Mechanical Systems Board
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: kane.young@idph.iowa.gov

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 actions are proposed:

ITEM 1. Amend subrule 32.2(5) as follows:

~~32.2(5) Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee’s ability to practice within the profession listed in Iowa Code section 105.22(4). A copy of the record or conviction or plea of guilty shall be conclusive evidence of such conviction.~~

ITEM 2. Amend subrule 32.2(22) as follows:

~~32.2(22) Failure to notify the board within 30 days after the occurrence of any judgment entered on or settlement of professional negligence a claim or action related to the profession.~~

ITEM 3. Amend subrule 32.2(37) as follows:

~~32.2(37) Practicing as a contractor without valid bonding or insurance, as required by Iowa Code section 105.19 as amended by 2013 Iowa Acts, Senate File 427.~~

ITEM 4. Amend paragraph 32.5(1)“f” as follows:

~~f. Falsely impersonating a person licensed under Iowa Code chapter 105 as amended by 2013 Iowa Acts, Senate File 427.~~

ITEM 5. Amend rule 641—60.3(261) as follows:

~~641—60.3(261) 272C) Student loan repayment noncompliance. The board hereby adopts by reference 641—Chapter 195, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation,” Iowa Administrative Code. The board shall not suspend or revoke the license or certification of a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.~~

ITEM 6. Amend 641—Chapter 60, implementation sentence, as follows:

~~These rules are intended to implement Iowa Code chapters 252J, 272C, and 272D and section 261.126.~~