

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rule making related to theory and practical examination process  
and providing an opportunity for public comment**

The Board of Barbering hereby proposes to amend Chapter 5, “Fees,” and Chapter 21, “Licensure,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code chapters 158 and 272C and section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 147, 158 and 272C.

*Purpose and Summary*

This proposed rule making updates the examination registration process and removes the requirement for the practical examination fee to be paid to the Board office.

*Fiscal Impact*

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

*Jobs Impact*

This rule making expedites initial licensure, which supports the Governor’s priorities.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*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 Board no later than 4:30 p.m. on January 31, 2023. Comments should be directed to:

Venus Vendoures Walsh  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Phone: 515.242.6529  
Email: [venus.vendoures-walsh@idph.iowa.gov](mailto:venus.vendoures-walsh@idph.iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 31, 2023  
9:30 to 10 a.m.

Via video/conference call  
Meeting link:  
[us02web.zoom.us/j/84820470659?pwd=dVN2Q3AvS2lXcHV5cS9SSmlSYXF1Zz09](https://us02web.zoom.us/j/84820470659?pwd=dVN2Q3AvS2lXcHV5cS9SSmlSYXF1Zz09)  
Meeting ID: 848 2047 0659  
Passcode: 911371  
Via telephone: 1.312.626.6799

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*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. Rescind subrule **5.2(4)**.

ITEM 2. Renumber subrules **5.2(5)** to **5.2(17)** as **5.2(4)** to **5.2(16)**.

ITEM 3. Amend paragraph **21.2(1)“e”** as follows:

*e.* Applicants shall pass both the NIC theory examination and the NIC practical examination with a score of 70 percent or better on each examination.

(1) The applicant shall submit the test registration fee for the written theory and the practical examination directly to the test service.

(2) NIC examinations are administered according to guidelines set forth by the National Interstate Council of State Boards of Cosmetology.

ITEM 4. Rescind and reserve rule **645—21.3(158)**.

ITEM 5. Amend subrule 21.9(3) as follows:

**21.9(3)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in ~~645—subrule 5.2(10)~~ 645—subrule 5.2(9). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 6. Amend paragraphs **21.11(1)“c”** and **“d”** as follows:

*c.* A barbershop license may be for a stationary barbershop or a mobile barbershop.

(1) Stationary barbershop. A stationary barbershop license shall be issued for a specific location. A change in location or site of a stationary barbershop shall result in the cancellation of the existing license and necessitate application for a new license and payment of the fee required by ~~645—subrule 5.2(8)~~ 645—subrule 5.2(7). A change of address without change of actual location shall not be construed as a new site.

(2) and (3) No change.

*d.* A barbershop license is not transferable. A change in ownership of a barbershop shall result in the cancellation of the existing license and necessitate application for a new license and payment of the fee required by ~~645—subrule 5.2(8)~~ 645—subrule 5.2(7).

ITEM 7. Amend subrule 21.16(2) as follows:

**21.16(2)** Pay the reactivation fee that is due as specified in ~~645—subrule 5.2(11)~~ 645—subrule 5.2(10).

ITEM 8. Amend subrule 21.17(2) as follows:

**21.17(2)** Pay the reactivation fee that is due as specified in ~~645—subrule 5.2(12)~~ 645—subrule 5.2(11).