

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to amend Chapter 29, “Plumbing and Mechanical Systems Professionals—Application, Licensure, and Examination,” Iowa Administrative Code.

The rules in Chapter 29 define the type of licenses and the requirements for licensure. Guidelines are provided for applicants to follow when they apply for the initial license, apply for renewal, or apply for examination. The rules also outline procedures to follow when licensure is denied. The proposed amendments reflect the changes mandated by 2009 Iowa Acts, Senate File 224.

Consideration will be given to all written suggestions or comments on the proposed amendments on or before December 22, 2009. Such written comments should be directed to Cindy Houlson, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4529 or by E-mail to choulson@idph.state.ia.us.

Also, there will be a public hearing on December 22, 2009, from 11 a.m. to 1 p.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. This hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

Public Library
529 Pierce Street
Sioux City

Public Library
400 Willow Avenue
Council Bluffs

Public Library, Meeting Room C
415 Commercial Street
Waterloo

Ottumwa Regional Health Center
1001 E. Pennsylvania
Ottumwa

Public Library Information Ctr., Kelinson Rm.
2950 Learning Campus Drive
Bettendorf

Mason City National Guard Armory
1160 19th Street SW
Mason City

Crestwood High School
1000 4th Avenue East
Cresco

Archdiocesan Pastoral Center
1229 Mount Loretta
Dubuque

Spirit Lake High School
2701 Hill Avenue
Spirit Lake

Prairie Lakes Area Education Agency
1 Triton Circle, Library Bldg.
Fort Dodge

Hoover State Office Building, First Floor
1305 East Walnut
Des Moines

Kirkwood Community College
Room 117
1816 Lower Muscatine Rd.
Iowa City

Iowa Western Community College – 2
923 East Washington
Clarinda

Burlington High School
421 Terrace Drive
Burlington

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

These amendments are intended to implement Iowa Code chapter 105 and 2009 Iowa Acts, Senate File 224.

The following amendments are proposed.

ITEM 1. Amend **641—Chapter 29**, title, as follows:

**PLUMBING AND MECHANICAL SYSTEMS PROFESSIONALS BOARD—
APPLICATION, LICENSURE, AND EXAMINATION**

ITEM 2. Amend rule **641—29.1(105)**, definitions of “Board,” “HVAC,” “Hydronic,” “Inactive license,” “Licensee” and “Routine maintenance,” as follows:

“*Board*” means the plumbing and mechanical systems ~~examining~~ board.

“*HVAC*” means heating, ventilation, ~~and~~ air conditioning, ~~in~~ and ducted systems. “HVAC” includes all natural, propane, liquid propane, or other gas lines associated with any component of an HVAC system.

“*Hydronic*” means a heating or cooling system that transfers heating or cooling by circulating fluid through a closed system, including boilers, pressure vessels, refrigerated equipment in connection with chilled water systems, all steam piping, hot or chilled water piping together with all control devices and accessories, installed as part of, or in connection with, any comfort heating or comfort cooling system or appliance using a liquid water or steam as the heating or cooling media. “Hydronic” includes all low-pressure and high-pressure systems and all natural, propane, liquid propane, or other gas lines associated with any component of a hydronic system.

“*Inactive license*” means a license that is available for a plumbing, HVAC, refrigeration, or hydronic professional who is not actively engaged in running a business or working in the business in the corresponding discipline, ~~in cases such as a retirement, military deployment, or medical leave at that license level.~~

“*Licensee*” means a person or entity licensed by the board as an apprentice, journey person, or master who provides services to operate as a contractor or work in the plumbing, HVAC, refrigeration, or hydronics hydronic disciplines or work as a certified medical gas system installer or install geothermal heat pump systems, or work in the specialty license disciplines developed by the board.

“*Routine maintenance*,” ~~as the term applies in Iowa Code section 105.11(9), is the regular upkeep of plumbing, HVAC, refrigeration, and hydronic systems and equipment, including recurring, preventive and ongoing maintenance necessary to delay or prevent failure, for which no changes in original design or construction are made. Examples of routine maintenance include replacing wax seals, gaskets, washers, air filters, or belts; oiling a blower motor; cleaning a condensing coil; and repairing damaged ductwork.~~ “Routine maintenance” shall not be interpreted to allow the repair or replacement of furnaces, condensing units, blower motors, boilers, chillers, ductwork systems, water heaters, water pipe systems, waste and vent systems or similar work means the maintenance, repair, or replacement of existing fixtures or parts of plumbing, HVAC, refrigeration, or hydronic systems in which no changes in original design are made. Fixtures or parts do not include smoke and fire dampers or water, gas or steam piping permanent repairs except for traps or strainers. Routine maintenance shall include emergency repairs. “Routine maintenance” does not include the replacement of furnaces, boilers, cooling appliances, or water heaters more than 100 gallons in size.

ITEM 3. Adopt the following **new** definitions in rule **641—29.1(105)**:

“Disconnect/reconnect plumbing technician specialty license” means a sublicense under a plumbing license to perform work from the appliance shutoff valve or fixture shutoff valve to the appliance or fixture and any part or component of the appliance or fixture, including the disconnection and reconnection of the existing appliance or fixture to the water or sewer piping and the installation of a shutoff valve no more than 3 feet from the appliance or fixture.

“Emergency repairs” means the repair of water pipes to prevent imminent damage to property.

“Geothermal heat pump system” means the geothermal earth connection subsystem, the geothermal heat pump subsystem, and the geothermal heat distribution subsystem.

“Hearth specialty license” means a sublicense under an HVAC license to perform work in the installation of gas burning and solid fuel appliances that offer a decorative view of the flames, from the connector pipe to the shutoff valve located within 3 feet of the appliance. This sublicense is further allowed to perform work in the venting systems, log lighters, gas log sets, fireplace inserts, and freestanding stoves.

“Service technician HVAC specialty license” means a sublicense under an HVAC license to perform work from the appliance shutoff valve to the appliance and any part and component of the appliance, including the disconnection and reconnection of the existing appliance to the gas piping and the installation of a shutoff valve no more than 3 feet away from the appliance.

“Surety bond” means a performance bond written by an entity licensed to do business in this state which guarantees that a contractor will fully perform the contract and which guarantees against breach of that contract.

ITEM 4. Rescind rule 641—29.2(105) and adopt the following **new** rule in lieu thereof:

641—29.2(105) Available licenses and general requirements. Subject to the general requirements set forth herein and the minimum qualifications for licensure set forth in rule 641—29.4(105), the following licenses are available:

29.2(1) Apprentice license. An applicant for an apprentice license shall:

- a. File an application and pay application fees in accordance with 641—29.5(105).
- b. Be enrolled in an applicable apprentice program which is registered with the United States Department of Labor Office of Apprenticeship.
- c. Certify that the applicant will work under the supervision of a licensed journeyman or master in the applicable discipline by providing the department with the United States Department of Labor Office of Apprenticeship identification number and sponsor identification number.

29.2(2) Journeyman license.

- a. An applicant for a journeyman license shall:
 - (1) File an application and pay application fees in accordance with rule 641—29.5(105).
 - (2) Pass the state journeyman licensing examination in the applicable discipline.
 - (3) Provide the board with evidence that the applicant has completed at least four years of practical experience as an apprentice. Commencing January 1, 2010, the four years of practical experience required by this paragraph must be an apprenticeship training program registered by the United States Department of Labor Office of Apprenticeship. Documentation must be submitted on a form provided by the board.

b. Notwithstanding the journeyman licensure requirements set forth in paragraph 29.2(2)“a,” an applicant who possesses a master level license and who seeks a journeyman license in the same discipline shall file an application and pay application fees in accordance with rule 641—29.5(105).

29.2(3) Master license. An applicant for a master license shall:

- a. File an application and pay application fees in accordance with rule 641—29.5(105).
- b. Pass the state master licensing examination for the applicable discipline.
- c. Provide the board with evidence that the applicant:
 - (1) Has previously been licensed as a master in the applicable discipline; or
 - (2) Has previously been licensed as a journeyman in the applicable discipline and has at least two years of journeyman experience in the applicable discipline.

29.2(4) Contractor license. An applicant for a contractor license shall:

- a. File an application and pay application fees in accordance with rule 641—29.5(105).
- b. Provide the applicant’s Iowa Workforce Development Contractor registration number.
- c. Provide the board with evidence that the applicant maintains a permanent place of business.
- d. Provide the board with evidence of a public liability insurance policy issued by an entity licensed to do business in this state with a minimum coverage amount of \$500,000 and:
 - (1) If the applicant operates the contractor business as a sole proprietorship, provide the board with evidence that the applicant personally obtained the policy, or
 - (2) If the applicant operates the contractor business as an employee or owner of a legal entity, provide the board with evidence that the insurance policy is obtained by the entity and that the insurance covers all plumbing or mechanical work performed by the entity.
- e. Provide the board with evidence of a surety bond issued by an entity licensed to do business in this state in a minimum amount of \$5,000 and:
 - (1) If the applicant operates the contractor business as a sole proprietorship, provide the board with evidence that the applicant personally obtained the surety bond, or
 - (2) If the applicant operates the contractor business as an employee or owner of a legal entity, provide the board with evidence that the surety bond was obtained by the entity and that the surety bond covers all plumbing or mechanical work performed by the entity.
- f. Provide a certificate to the board that the public liability insurance policy required under paragraph 29.2(4)“d” and the surety bond required under paragraph 29.2(4)“e” shall not be canceled without the entity first giving 15 days’ written notice to the board.
- g. Provide the board with evidence that the applicant holds an active master license or employs at least one person who holds an active master license issued under Iowa Code chapter 105, or, if the applicant provides plumbing, HVAC, refrigeration, or hydronic system service exclusively in connection with geothermal heat pump systems, provide evidence that the applicant holds a geothermal heat pump systems installer license or employs at least one person who holds a geothermal heat pump systems installer license.

29.2(5) Active journey person license/inactive master license combination. An applicant for an active journey person license and an inactive master license in the same discipline shall:

- a. File an application and pay application fees for both an active journey person license and an inactive master license in accordance with rule 641—29.5(105).
- b. Provide the board with evidence that the applicant meets the requirements for master licensure under subrule 29.2(3).
- c. Provide evidence that the applicant is not performing plumbing, HVAC, refrigeration, or hydronic work for which a master license is required.
- d. Acknowledge awareness that the applicant is unable to perform any plumbing, HVAC, refrigeration, or hydronic work for which a master license is required so long as the applicant’s master license is held in inactive status.

29.2(6) Inactive license. An applicant for an inactive license that does not fall within subrule 29.2(5) shall:

- a. File an application and pay application fees in accordance with rule 641—29.5(105).
- b. Provide the board with evidence that the applicant meets the requirements for licensure under rule 641—29.2(105) at the applicable licensure level.
- c. Provide the board with evidence that the applicant is not actively engaged working in the plumbing, HVAC, refrigeration, or hydronic disciplines for which licensure is required.
- d. Acknowledge awareness that the applicant is unable to perform any plumbing, HVAC, refrigeration, or hydronic work for which licensure is required so long as the applicant’s license is held in inactive status.

29.2(7) Geothermal heat pump systems installer license. An applicant for a geothermal heat pump systems installer license shall:

- a. File an application and pay application fees in accordance with rule 641—29.5(105).

b. Provide the board with evidence that the applicant possesses a valid certification from the International Ground Source Heat Pump Association or possesses a valid certification issued from an industry-accredited installer certification standards recognized by the United States Department of Energy.

29.2(8) Service technician HVAC specialty license. An applicant for a service technician HVAC specialty license shall:

a. File an application and pay application fees in accordance with rule 641—29.5(105).

b. Provide the board with evidence that:

(1) The applicant possesses a valid certification from the North American Technical Excellence, Inc. or an equivalent authority approved by the board, or

(2) The applicant completed a Service Technician Associate degree or equivalent educational or similar training approved by the board.

29.2(9) Disconnect/reconnect plumbing technician specialty license. An applicant for a disconnect/reconnect plumbing technician specialty license shall:

a. File an application and pay application fees in accordance with rule 641—29.5(105).

b. Provide the board with evidence that:

(1) The applicant is receiving or has previously received industry training to perform work covered under this specialty license, or

(2) The applicant completed a Service Technician Associate degree or equivalent educational or similar training approved by the board.

29.2(10) Private school or college routine maintenance specialty license. An applicant for a private school or college routine maintenance specialty license shall:

a. File an application and pay application fees in accordance with rule 641—29.5(105).

b. Provide the board with evidence that the applicant is currently employed by a private school or college.

c. Provide the board with evidence that the applicant is performing routine maintenance within the scope of employment with the private school or college.

29.2(11) Hearth systems specialty license. An applicant for a hearth systems specialty license shall:

a. File an application and pay application fees in accordance with rule 641—29.5(105).

b. Provide the board with evidence that the applicant possesses a valid certification issued by the National Fireplace Institute or equivalent authority approved by the board.

ITEM 5. Amend rule 641—29.3(105), introductory paragraph, as follows:

641—29.3(105) Medical gas piping certification. ~~For the plumbing discipline, the~~ The following certification is required for a person who performs work as a medical gas system installer. An applicant for a medical gas certificate shall:

ITEM 6. Rescind subrule **29.4(4)**.

ITEM 7. Amend paragraph **29.5(1)“b”** as follows:

b. Applications ~~should~~ can be completed on-line ~~since paper applications will incur an additional processing fee or on a paper application. However, paper~~ Paper applications are available to download at <http://www.idph.state.ia.us/eh/plumbing.asp> or to request from the board office by writing to: Plumbing and Mechanical Systems ~~Examining~~ Board, Iowa Department of Public Health, 312 E. 12th Street, 5th Floor, Des Moines, Iowa 50319-0075, or by calling 1-866-280-1521.

ITEM 8. Amend paragraph **29.5(2)“b”** as follows:

b. A paper application shall be accompanied by the appropriate fees payable by check or money order to the Iowa Plumbing and Mechanical Systems ~~Examining~~ Board.

ITEM 9. Amend subrule 29.5(3) as follows:

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

Examining Board, Iowa Department of Public Health, 312 E. 12th Street, 5th Floor, Des Moines, Iowa 50319, or by calling 1-866-280-1521.

ITEM 10. Amend subrule 29.5(5) as follows:

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

ITEM 11. Amend subrule **29.6(1)**, introductory paragraph, as follows:

29.6(1) An applicant for licensure as a plumbing or mechanical system professional ~~shall that~~ requires a state licensing examination must successfully pass the licensing examination for the discipline.

ITEM 12. Rescind paragraph **29.6(1)“c.”**

ITEM 13. Amend paragraph **29.6(3)“b”** as follows:

~~b. Examination applications should can be completed on-line since paper applications will incur an additional processing fee or on a paper application. However, paper Paper applications are available to download at <http://www.idph.state.ia.us/eh/plumbing.asp> or to request from the board office by writing to: Plumbing and Mechanical Systems Examining Board, Iowa Department of Public Health, 312 E. 12th Street, 5th Floor, Des Moines, Iowa 50319-0075, or by calling 1-866-280-1521.~~

ITEM 14. Amend subparagraph **29.6(3)“c”(2)** as follows:

(2) A paper examination application shall be accompanied by the appropriate fees payable by check or money order to the Iowa Plumbing and Mechanical Systems Examining Board.

ITEM 15. Amend paragraph **29.6(3)“f”** as follows:

~~f. 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 Examining Board, Iowa Department of Public Health, 312 E. 12th Street, 5th Floor, Des Moines, Iowa 50319, or by calling 1-866-280-1521.~~

ITEM 16. Amend paragraph **29.6(3)“k”** as follows:

~~k. A master examination applicant shall be licensed with the state of Iowa as a journey person in the discipline for a minimum of two years prior to application for examination. not receive permission to sit for a master examination unless the applicant establishes that the applicant:~~

- ~~(1) Has previously been licensed as a master in the applicable discipline; or~~
- ~~(2) Has previously been licensed as a journey person in the applicable discipline and has at least two years of journey person experience in the applicable discipline.~~

ITEM 17. Amend paragraph **29.6(3)“l”** as follows:

~~l. A journey person examination applicant may apply to sit for the examination up to 60 days prior to completion of the 48 months of required apprentice credit which shall include the granting of advanced standing or credit for previously acquired experience, training, or skills. The application for licensure will not be processed until all required criteria are complete and the certificate of completion from the United States Department of Labor Office of Apprenticeship has been issued.~~

ITEM 18. Amend subrule 29.7(1), introductory paragraph, as follows:

29.7(1) The period of licensure to ~~practice as an apprentice, journey person, or master in the plumbing, HVAC, refrigeration, or hydronics disciplines~~ operate as a contractor or work as a master, journey person or apprentice in the plumbing, HVAC, refrigeration, or hydronic disciplines or work as a certified medical gas system installer or install geothermal heat pump systems, or work in the specialty license disciplines developed by the board shall be biennial (every two years).

ITEM 19. Amend subparagraph **29.7(2)“a”(1)** as follows:

(1) Meet the continuing education requirements, ~~at least eight classroom hours of instruction during each two-year licensing term as set forth in rule 641—30.2(105).~~ A licensee whose license was

reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

ITEM 20. Adopt the following **new** subparagraph **29.7(2)“a”(3)**:

(3) Provide evidence that the licensee continues to meet the general requirements for licensure under rule 641—29.2(105).

ITEM 21. Amend paragraph **29.7(2)“b,”** introductory paragraph, as follows:

b. Failure to renew a license within ~~a reasonable time~~ two months after the expiration of the license shall not invalidate the license, but a reasonable penalty may be assessed as adopted by rule, in addition to the license renewal fee, to allow reinstatement of the license.

ITEM 22. Amend subparagraphs **29.7(2)“c”(2)** and **(3)** as follows:

(2) A licensee whose license is lapsed may not ~~practice as a plumbing or mechanical professional~~ operate as a contractor or work in the plumbing, HVAC, refrigeration, or hydronic disciplines or work as a certified medical gas system installer or install geothermal heat pump systems, or work in the specialty license disciplines developed by the board until the license is reinstated and renewed.

(3) A licensee who ~~practices as a plumbing or mechanical professional~~ operates as a contractor or works in the plumbing, HVAC, refrigeration, or hydronic disciplines or works as a certified medical gas system installer or install geothermal heat pump systems, or works in the specialty license disciplines developed by the board in the state of Iowa with a lapsed license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code chapter 105, criminal sanctions pursuant to Iowa Code chapter 105, and other available legal remedies.

ITEM 23. Rescind and reserve rule **641—29.8(105)**.