

**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 adopt Chapter 35, “Plumbing and Mechanical Systems Board—Licensure of Nonresident Applicant—Reciprocity,” Iowa Administrative Code.

The rules in Chapter 35 describe how an out-of-state applicant would apply for a license issued by the Iowa Plumbing and Mechanical Systems Board.

Consideration will be given to all written suggestions or comments on the proposed rules 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](mailto: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 rules. 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

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

Iowa Western Community College – 2  
923 East Washington  
Clarinda

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

Kirkwood Community College  
Room 117  
1816 Lower Muscatine Road  
Iowa City

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 rules are intended to implement Iowa Code chapter 105.

The following amendment is proposed.

Adopt the following new 641—Chapter 35:

CHAPTER 35  
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSURE OF NONRESIDENT  
APPLICANT—RECIPROCITY

**641—35.1(105) Definition.** For purposes of this chapter, the following definition applies:

“*Board*” means the plumbing and mechanical systems board as established pursuant to Iowa Code section 105.3.

**641—35.2(105) Reciprocity agreements.**

**35.2(1)** The board may enter into reciprocity agreements with other states that have plumbing, HVAC, refrigeration, and hydronic licensing requirements similar to those set forth under Iowa law.

**35.2(2)** The board shall not enter into a reciprocity agreement with another state unless the other state grants the same reciprocity licensing privileges to residents of Iowa who have obtained Iowa plumbing, HVAC, refrigeration, or hydronic licenses under Iowa Code chapter 105.

**641—35.3(105) Application by reciprocity.** A nonresident of Iowa seeking a reciprocal license under Iowa Code chapter 105 shall apply on forms provided by the board.

**35.3(1) Registration requirements.** The board may issue a reciprocal license if:

- a. The applicant is a nonresident of Iowa;
- b. The applicant possesses a valid plumbing, HVAC, refrigeration, or hydronic license issued from a state with which the board has entered into a reciprocity agreement;
- c. The applicant has paid the appropriate fee or fees required in 641—Chapter 28;
- d. The applicant meets the minimum qualifications for licensure in rule 641—29.4(105); and
- e. The applicant agrees to comply with all provisions of Iowa law and rules.

**35.3(2) Denial of reciprocal license.** The board may refuse to issue a reciprocal license to an applicant otherwise qualified based upon a suspension, revocation, or other disciplinary action taken against the applicant by a licensing authority in this or another jurisdiction. For purposes of this subrule, a “disciplinary action” includes the voluntary surrender of a license to resolve a pending disciplinary investigation or proceeding.

These rules are intended to implement Iowa Code chapter 105.