

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby amends Chapter 27, “Plumbing and Mechanical Systems Examining Board—Administrative and Regulatory Authority,” Iowa Administrative Code.

The rules in Chapter 27 describe the purpose and organization of the Plumbing and Mechanical Systems Board. These amendments reflect the changes mandated by 2009 Iowa Acts, chapter 151.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 2, 2009, as **ARC 8360B**. A public hearing was held on December 22, 2009. No comments were received pertaining to Chapter 27. However, the Board did receive comments on other rule makings affecting plumbing and mechanical systems professionals. As a result of those comments, the Board has elected to remove all references to the geothermal license to allow additional time for interested parties to work with the Board on resolving their differences; therefore, the only changes made were to remove references to geothermal licenses.

The Board finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendments should be waived and these amendments should be made effective upon filing, as they confer a benefit to regulated parties by implementing the changes mandated by 2009 Iowa Acts, chapter 151.

The Plumbing and Mechanical Systems Board adopted these amendments on January 19, 2010.

These amendments became effective January 26, 2010.

These amendments are intended to implement Iowa Code chapter 105 and 2009 Iowa Acts, chapter 151.

The following amendments are adopted.

ITEM 1. Amend **641—Chapter 27**, title, as follows:
PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD—ADMINISTRATIVE AND REGULATORY AUTHORITY

ITEM 2. Amend rule **641—27.1(17A,105)**, definitions of “Board,” “License” and “Licensee,” as follows:

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

“*License*” means a license to operate as a contractor or work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board.

“*Licensee*” means a person or entity licensed to operate as a contractor or work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board.

ITEM 3. Rescind the definition of “Overpayment” in rule **641—27.1(17A,105)**.

ITEM 4. Amend rule 641—27.2(17A,105) as follows:

641—27.2(17A,105,83GA,ch151) Purpose of board. The purpose of the board is to administer and enforce the provisions of Iowa Code chapters 17A and 105 with regard to the licensing and regulation of plumbers, ~~and~~ mechanical professionals, and contractors. The mission of the board is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and regulations of the licensure board. Responsibilities include, but are not limited to:

27.2(1) Licensing of qualified applicants to operate as a contractor or work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board by examination, renewal, endorsement, and reciprocity.

27.2(2) and **27.2(3)** No change.

ITEM 5. Amend subrule 27.3(1) as follows:

27.3(1) The board shall be composed of 11 members appointed by the governor ~~and confirmed by the senate.~~ The board members identified in subrule 27.3(2), paragraphs “c” to “i,” are subject to confirmation by the senate.

ITEM 6. Amend paragraph **27.3(8)“e”** as follows:

e. Investigate alleged violations of statutes or rules that relate to operation as a contractor; work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade disciplines; work as a certified medical gas system installer; or work in the specialty license disciplines developed by the board upon receipt of a complaint or upon the board’s own initiation. The investigation will be based on information or evidence received by the board.

ITEM 7. Amend rule 641—27.4(17A,105) as follows:

641—27.4(17A,105) Official communications.

27.4(1) All official communications, including submissions and requests, may be addressed to the Plumbing and Mechanical Systems ~~Examining~~ Board, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075.

27.4(2) and **27.4(3)** No change.

ITEM 8. Amend subrule 27.6(1) as follows:

27.6(1) At every regularly scheduled board meeting, time will be designated for public comment. During the public comment period, any person may speak for up to two minutes. ~~Requests to speak for two minutes per person later in the meeting when a particular topic comes before the board should be made at the time of the public comment period and may be granted at the discretion of the chairperson. No more than ten minutes will be allotted for public comment at any one time unless the chairperson stipulates otherwise.~~ Any additional time allowances will be at the discretion of the chairperson or acting chairperson.

[Filed Emergency After Notice 1/26/10, effective 1/26/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/24/10.