

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 193C—Chapter 3
“Application and Renewal Process”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 542B.6
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 542B

Public Hearing

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

November 21, 2023
4 p.m.

6200 Park Avenue
Des Moines, Iowa
Video call link:
meet.google.com/bfq-qaeb-nwu
Or dial: 402.921.2210
PIN: 301 728 068#
More phone numbers:
tel.meet/bfq-qaeb-nwu?pin=7324359836726

The Department of Inspections, Appeals, and Licensing may address agenda items out of sequence to accommodate persons appearing before the Department or to aid in the efficiency or effectiveness of the meeting.

All meetings held by the Department are accessible to everyone. Any persons who need special accommodations to participate should call 515.281.0254 (TDD: 1.800.735.2942) as soon as possible in advance of the meeting to ensure sufficient time to make the appropriate accommodations.

Public attendees may make comments at the conclusion of each board director’s report.

The boards reserve the right to limit the length of comments based on the number of individuals who wish to speak.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Robert Lampe, Board Administrator
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.725.9024
Email: robert.lampe@dia.iowa.gov

Purpose and Summary

The purpose of proposed Chapter 3 is to provide applicants with detailed information regarding the application and renewal process to acquire and maintain an engineer or land surveyor license.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

The cost of application and renewal is levied upon the applicant.

- Classes of persons that will benefit from the proposed rulemaking:

Future licensees will benefit from having information on the application process.

Future and current licensees will benefit from having information on the renewal process.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

The economic impact of acquiring a license is covered in 193C—Chapters 4 and 5. The application fee for acquiring the license is \$100. The renewal fee is \$100 every two years for active licensure and \$40 every two years for inactive status. Colleges and universities often charge a fee for providing an official transcript, as is required by this rulemaking.

- Qualitative description of impact:

The primary impact of this rulemaking is to the Iowans who utilize engineering and land surveying services and are protected by the rules relating to becoming licensed. There is an additional impact on potential licensees, who may take into account these rules when deciding a career path.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The costs to the agency are for regular staff time needed to review applications to ensure compliance with the rules of Chapter 3 and needed to manage Engineering and Land Surveying Examining Board activities. The time needed to manage this provision is generally in the form of responding to questions related to the licensing and renewal process. An executive officer supports the full scope of work of this Board at approximately 0.30 full-time equivalent (FTE) position, which includes answering questions from the public and licensees. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the Fund to cover the operations of the regulated professional licensing boards.

- Anticipated effect on state revenues:

The anticipated effect on state revenues is moderate. Approximately \$60,000 per year is collected from application fees and about \$50,000 per year is collected from renewal fees.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Reducing or eliminating the annual \$100 application and/or renewal fee would impact the cost to the licensee. The Board has not raised renewal fees in over 15 years. Iowa's fees are consistent with those of other nearby jurisdictions.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Reducing the application fees would not impact the cost to the State to implement the renewal process. Intrusion is necessary in order to protect Iowans and visitors doing business with these licensed professionals.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No alternative methods were seriously considered.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Because Iowa's renewal process is consistent with most other jurisdictions, no alternative methods were seriously considered.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Iowa does not license engineering or land surveying firms, so the rulemaking will not directly or substantially impact small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 193C—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3 APPLICATION AND RENEWAL PROCESS

193C—3.1(542B) General statement. A person requesting to be licensed as a professional engineer or professional land surveyor shall submit a completed, standardized application form, which may be obtained electronically from the board's Internet web page.

3.1(1) *Application expiration.* On the examination and comity applications due date, the applications are considered current if it has been one year or less since the applications were received by the board office.

3.1(2) *Academic transcripts.*

a. United States institutions. Completion of post-high school education shall be evidenced by the board's receipt of an applicant's transcripts directly from the office of the registrar of each institution conferring a qualifying degree.

b. Institutions outside the United States. Transcripts from institutions located outside the boundaries of the United States of America shall be sent directly from the institution to an evaluation service to be evaluated for authenticity and substantial equivalency with Accreditation Board for Engineering and Technology, Inc. (ABET), or Engineering Accreditation Commission (EAC) accredited engineering programs. To be readily acceptable, such evaluations shall be from the National Council of Examiners for Engineering and Surveying (NCEES). However, the board may accept evaluations from other recognized foreign credential evaluators satisfactory to the board. The expense of the evaluation is the responsibility of the applicant. Each evaluation shall be sent directly to the board from the evaluation service and include a copy of the transcript in the form sent to the evaluation service directly from the educational institution. Each evaluation must address both whether the transcript is authentic and whether the engineering program is equivalent to those accredited by ABET or EAC.

193C—3.2(542B) Application components and due dates.

3.2(1) *Fundamentals of Engineering examination.* Applications for the Fundamentals of Engineering examination are submitted directly to the examination service selected by the board to administer the examinations.

3.2(2) *Fundamentals of Land Surveying examination application components and due dates.* The components of this application include: the completed application form, references pursuant to 193C—paragraph 5.1(5) "b" and transcripts. Fundamentals of Land Surveying examination applications must be submitted to the board office. Applications submitted by the first day of each month will be reviewed by the board at the next regularly scheduled board meeting.

3.2(3) *Principles and Practice of Engineering examination application.* Principles and Practice of Engineering examination applications are submitted directly to the examination service selected by the board. Documentation of a qualifying degree will be required prior to approval to sit for the examination.

3.2(4) *Principles and Practice of Land Surveying examination application components and due dates.* Principles and Practice of Land Surveying examination applications are submitted to the board office. Application files with all components submitted to the board office by the first day of each month will be reviewed at the next regularly scheduled board meeting. The examination application file includes the following components: (a) the completed online application form, (b) the required number of references, (c) the project statement, and (d) the ethics questionnaire. In addition, a complete application file includes verification of examination records and transcripts. Examination applications will not be reviewed by the board until the application file is complete.

3.2(5) *Professional engineer license application.* Professional engineer license applications are submitted to the board office. Application files with all components submitted to the board office by the first day of each month will be reviewed at the next regularly scheduled board meeting. The professional engineer license application includes the following components: (a) the completed online application form, (b) the required number of references, (c) the project statement, and (d) the ethics questionnaire. In addition, a complete application file includes verification of examination records and transcripts. Professional engineer license applications will not be reviewed until the application file is complete.

193C—3.3(542B) Comity applications.

3.3(1) The components of a comity application include: the completed application form; the ethics questionnaire; references; transcripts; and verification of examinations, as appropriate. Comity applicants may submit the NCEES record in lieu of providing references, verifications, transcripts, and employment history. Since the verification of examination

records must, in most cases, be sent directly from the jurisdiction where the applicant took the Fundamentals of Engineering and Principles and Practice Engineering examinations, the applicant should contact the other jurisdiction in advance of submitting the application to request this verification and make every effort to have the verification sent to the board at the time that the application is submitted. Likewise, for transcripts the applicant should contact the university in advance of submitting the application to make every effort to have the transcripts transmitted to the board at the time that the application is submitted.

3.3(2) Comity applications will be reviewed as they are completed. Comity applications will not be reviewed until all components have been received.

3.3(3) Comity applicants will be notified in writing via regular mail or email regarding the results of the review of their applications.

3.3(4) Temporary license. The board does not issue temporary licenses, except as provided for in rule 193C—5.3(542B,272C).

193C—3.4(542B) Renewal applications.

3.4(1) *Expiration dates.* Certificates of licensure expire biennially on December 31. Certificates that were initially issued in even-numbered years expire in odd-numbered years and certificates that were initially issued in odd-numbered years expire in even-numbered years. In order to maintain authorization to practice engineering or land surveying in Iowa, licensees must renew their certificates of licensure on or prior to the expiration date. A licensee who fails to renew prior to the date the certificate expires is not authorized to practice in Iowa unless the certificate is reinstated as provided in these rules. However, the board will accept an otherwise sufficient renewal application which is untimely if the board receives the application and late fee within 30 days of the date of expiration.

3.4(2) *Renewal notification.* The board typically mails a renewal notification to a licensee's last- known address at least one month prior to the license expiration date. Neither the board's failure to mail a renewal notification nor the licensee's failure to receive a renewal notification affects in any way the licensee's duty to timely renew if the licensee intends to continue practicing in Iowa. Licensees need to contact the board office if they do not receive a renewal notification prior to the expiration date.

3.4(3) *Renewal process.* Upon receipt of a timely and sufficient renewal application, with the proper fee, the board's executive secretary will issue a new license reflecting the next expiration date, unless grounds exist for denial of the application.

3.4(4) *Notification of expiration.* The board will notify licensees whose certificates of licensure have expired. The failure of the board to provide this courtesy notification, or the failure of the licensee to receive the courtesy notification, does not extend the date of expiration.

3.4(5) *Sanction for practicing after license expiration.* A licensee who continues to practice in Iowa after the license has expired is subject to disciplinary action. Such unauthorized activity may also provide grounds to deny a licensee's application to reinstate.

3.4(6) *Timely and sufficient renewal application.* Within the meaning of Iowa Code section 17A.18(2), a timely and sufficient renewal application shall be:

- a. Received by the board through the online renewal process;
- b. Fully completed; and
- c. Accompanied by the proper fee. The fee is deemed improper if, for instance, the amount is incorrect, the fee was not included with the application, the credit card number provided by the applicant is incorrect, the date of expiration of a credit card is left off the application or is incorrect, the attempted credit card transaction is rejected, or the applicant's check is returned for insufficient funds.

3.4(7) *Responsibility for accuracy of renewal application.* The licensee is responsible for verifying the accuracy of the information submitted on the renewal application regardless of how the application is submitted or by whom it is submitted.

3.4(8) *Denial of renewal application.* If the board, upon receipt of a timely, complete and sufficient application to renew a certificate of licensure, accompanied by the proper fee, denies the application, the executive secretary will send written notice to the applicant by restricted, certified mail, return receipt requested, identifying the basis for denial. The applicant may contest the board's decision as provided in rule 193—7.40(546,272C).

3.4(9) *Continuing education.* A licensee who does not satisfy the continuing education requirements for licensure renewal will be denied renewal of licensure in accordance with subrule 3.4(8).

3.4(10) Consent order option. When a licensee appears to be in violation of mandatory continuing education under 193C—Chapter 7, the board may, in lieu of proceeding to a contested case hearing on the denial of renewal as provided in uniform division rule 193—7.40(546,272C), offer the licensee the opportunity to sign a consent order. While the terms of a consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation, and establish deadlines for compliance, and the consent order may impose additional educational requirements upon the licensee. A licensee is free to accept or reject the offer. If the offer of settlement is accepted, the licensee will be issued a renewed certificate of licensure and, if the terms of the consent order are not complied with, will be subject to disciplinary action. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to uniform division rule 193—7.40(546,272C).

3.4(11) Inactive status. Licensees who are not engaged in engineering or land surveying practices that require licensure in Iowa may be granted inactive status. No inactive licensee may practice in Iowa unless otherwise exempted in Iowa Code chapter 542B.

193C—3.5(542B) Reinstatement of licensure.

3.5(1) To reinstate a license that has lapsed for one year or more, the applicant for reinstatement must pay the fee under rule 193C—2.1(542B) and satisfy one of the following:

- a. Provide documentation of 45 professional development hours achieved within the current and previous biennium (dual licensees must provide documentation of 30 professional development hours for each profession); or
- b. Successfully complete the principles and practice examination within one year immediately prior to application for reinstatement; or
- c. For an applicant for reinstatement who is an out-of-state resident, submit a statement from the resident state's licensing board as documented evidence of compliance with the resident state's mandatory continuing education during the period that the licensee's Iowa license was lapsed. An applicant for reinstatement whose resident state has no mandatory continuing education shall comply with the documented evidence as outlined in this subrule and at 193C—subrule 7.8(2).

3.5(2) To reinstate a license that has lapsed for less than one year, the applicant for reinstatement must pay the fee under 193C—2.1(542B) and satisfy one of the following:

- a. Provide documentation of 30 professional development hours achieved within the current and previous biennium (dual licensees must provide documentation of 20 professional development hours for each profession). Professional development hours used for reinstatement shall not be reused at the next renewal; or
- b. Successfully complete the principles and practice examination within one year immediately prior to application for reinstatement; or
- c. For an applicant for reinstatement who is an out-of-state resident, submit a statement from the resident state's licensing board as documented evidence of compliance with the resident state's mandatory continuing education requirement during the period that the licensee's Iowa license was lapsed. The statement shall bear the seal of the licensing board. An applicant for reinstatement whose resident state has no mandatory continuing education requirement shall comply with the documented evidence requirement as outlined in this subrule and at 193C—subrule 7.8(2).

3.5(3) A lapsed license may not be reinstated to inactive status.

3.5(4) To reinstate from inactive status to active status, the applicant for reinstatement must pay the fee under rule 193C—2.1(542B) and provide documentation of 45 professional development hours achieved within the current and previous biennium (dual licensees must provide documentation of 30 professional development hours for each profession). Professional development hours used for a reinstatement shall not be reused at the next renewal.

These rules are intended to implement Iowa Code sections 272C.2, 272C.3, 542B.2, 542B.6, 542B.13, 542B.14, 542B.15, 542B.20 and 542B.30.