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CHAPTER 1
DESCRIPTION OF ORGANIZATION

193G—1.1(544C,17A) Definitions. As used in these rules, the following definitions of words and terms shall apply:

“*Board*” means the interior design examining board.

“*Bureau*” means the professional licensing and regulation bureau, division of banking of the department of commerce.

“*Interior design*” means the design of interior spaces including the preparation of documents relating to space planning, finish materials, furnishings, fixtures, and equipment, and the preparation of documents relating to the interior construction that does not affect the mechanical or structural systems of a building. “Interior design” does not include services that constitute the practice of architecture or professional engineering.

“*NCIDQ*” means the National Council for Interior Design Qualification.

“*Registered interior designer*” means a person who obtains a registration and engages in the practice of interior design under the authority of Iowa Code Supplement chapter 544C.

193G—1.2(544C) Description.

1.2(1) The purpose of the interior design examining board is to administer and enforce the provisions of Iowa Code Supplement chapter 544C, including issuing registration certificates and registration renewals; investigating violations and infractions of the interior design law; disciplining registrants; and seeking injunctive relief against unregistered persons who violate Iowa Code Supplement chapter 544C. To this end, the board has promulgated these rules to clarify the board’s intent and procedures.

1.2(2) The primary mission of the board is to protect the public interest. All board rules shall be construed as fostering the guiding policies and principles described in Iowa Code Supplement chapter 544C. The board and its registrants shall strive at all times to protect the public interest by promoting the highest standards of interior design.

1.2(3) All official communications, including submissions and requests, should be addressed to the board at 1920 S.E. Hulsizer Road, Ankeny, Iowa 50021.

193G—1.3(544C,17A) Organization and duties. The board shall consist of five members who are interior designers and two members who are not interior designers and who represent the general public. The board shall elect annually from its members a chairperson and a vice-chairperson. A quorum of the board shall be four members, and all final motions and actions must receive a majority of a quorum vote. The board shall enforce the provisions of Iowa Code Supplement chapter 544C and shall maintain a roster of all registered interior designers in the state.

1.3(1) Chairperson. The chairperson shall, when present, preside at the meetings, appoint committees, and exercise all duties and powers of the chairperson.

1.3(2) Vice-chairperson. The vice-chairperson shall, in the absence or incapacity of the chairperson, exercise the duties and powers of the chairperson.

193G—1.4(544C,17A) Meetings. Calls for meetings shall be issued in accordance with Iowa Code section 21.4. The annual meeting of the board shall be the first meeting scheduled after April 30. At this meeting, the chairperson and vice-chairperson shall be elected to serve until their successors are elected. The newly elected officers shall assume the duties of their respective offices at the conclusion of the meeting at which they are elected.

193G—1.5(544C) Other meetings. In addition to the annual meeting and subsequent meetings, the time and place of which may be fixed by resolution of the board, a meeting may be called by the chairperson of the board or by joint call of a majority of its members.

193G—1.6(544C,17A) Order of business. The chairperson or the chairperson's designee shall prepare an agenda listing all matters to be discussed at a meeting. A copy of the agenda shall be available to each member of the board. Procedures shall be in accordance with Robert's Rules of Order.

193G—1.7(544C) Administrative committees.

1.7(1) The board chairperson may appoint administrative committees of not less than two nor more than four members who shall be members of the board for the purpose of making recommendations on matters specified by the board.

1.7(2) An administrative committee may be appointed to make recommendations to the board concerning the board's responsibilities in regard to examinations, registrations, continuing education, professional conduct, discipline and other board matters.

193G—1.8(544C,17A) Public records and fair information practices. Board rules on public records and fair information practices may be found in the uniform rules for the professional licensing and regulation bureau at 193 IAC 13.

193G—1.9(544C,17A) Sales and leases of goods and services. Board rules on sales and leases of goods and services may be found in the uniform rules for the professional licensing and regulation bureau at 193 IAC 11.

193G—1.10(544C,17A) Petitions for rule making. Persons wishing to file a petition for rule making should consult the uniform rules for the professional licensing and regulation bureau at 193 IAC 9.

193G—1.11(544C,17A) Declaratory orders. Persons wishing to seek a declaratory order from the board should consult the uniform rules for the professional licensing and regulation bureau at 193 IAC 10.

193G—1.12(544C,17A) Denial of issuance or renewal of registration for nonpayment of child support or student loans. Board rules on the denial of issuance or renewal of registration for nonpayment of child support or student loans may be found in the uniform rules for the professional licensing and regulation bureau at 193 IAC 8.

193G—1.13(544C,17A) Waivers and variances.

1.13(1) Persons who wish to seek waivers or variances from board rules should consult the uniform rules for the professional licensing and regulation bureau at 193 IAC 5.

1.13(2) In addition to the provisions of 193 IAC 5, the following shall apply for interim rulings:

a. The board chairperson, or the vice-chairperson if the chairperson is not available, may rule on a petition for waiver or variance when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

b. The executive officer, upon receipt of a petition that meets all applicable criteria established in 193 IAC 5, shall present the request to the board chairperson or vice-chairperson along with all pertinent information regarding established precedent for granting or denying such requests.

c. The chairperson or vice-chairperson shall reserve the right to hold an electronic meeting of the board when prior board precedent does not clearly resolve the request, input of the board is deemed required, and the practical result of waiting until the next regularly scheduled meeting would be a denial of the request due to timing issues.

d. A waiver report shall be placed on the agenda of the next regularly scheduled board meeting and recorded in the minutes of the meeting.

e. Subrule 1.13(2) on interim rulings does not apply if the waiver or variance was filed in a contested case.

193G—1.14(544C,17A,272C) Investigation and investigatory subpoenas. Board rules regarding investigations and investigatory subpoenas may be found in the uniform rules for the professional licensing and regulation bureau at 193 IAC 6.

193G—1.15(544C,17A,272C) Contested case procedures. Board rules on contested case procedures, including those related to the denial of an application for initial or renewal registration and those related to disciplinary proceedings against registrants, may be found in the uniform rules for the professional licensing and regulation bureau at 193 IAC 7.

193G—1.16(272C) Impaired registrants. Board rules governing impaired practitioner review committees may be found in the uniform rules for the professional licensing and regulation bureau at 193 IAC 12.

These rules are intended to implement Iowa Code chapters 17A, 21, 22, 252J, 261 and 272C and Iowa Code Supplement chapter 544C.

[Filed 9/21/06, Notice 8/16/06—published 10/11/06, effective 11/15/06]

CHAPTER 2
REGISTRATION

193G—2.1(544C) Certificate of registration. All applicants for registration must satisfy the interior design education, practical training, and examination requirements established by this rule.

2.1(1) Education and practical training. An applicant for registration shall meet or exceed one of the following interior design education/practical training requirements:

a. A baccalaureate degree from a four-year interior design program or a substantially equivalent program, and at least two years of acceptable full-time work experience in the performance of interior design services.

b. A certificate, degree or diploma from a three-year interior design program or a substantially equivalent program, and at least three years of acceptable full-time work experience in the performance of interior design services.

c. A certificate, degree or diploma from a two-year interior design program or a substantially equivalent program, and at least four years of acceptable full-time work experience in the performance of interior design services.

2.1(2) Examination. An applicant for registration shall verify successful completion of the NCIDQ examination, or its equivalent.

2.1(3) Transition provisions. For a period of two years from July 1, 2005, the board may issue a certificate as a registered interior designer to a person residing in Iowa who does not meet the examination requirements specified in Iowa Code Supplement section 544C.5, if the person satisfies all of the following:

a. Has a minimum of two years of interior design education and a combined total of six years of interior design education and acceptable experience.

b. Has successfully completed Section 1 of the NCIDQ examination relating to life safety codes and barrier-free requirements.

c. Has submitted a completed application by June 30, 2007.

2.1(4) Applications. Certificates issued to registrants with last names beginning with A through K shall expire on June 30 of even-numbered years, and certificates issued to registrants with last names beginning with L through Z shall expire on June 30 of odd-numbered years. Registration fees and continuing education requirements shall be applied pro rata to those registrants whose certificates expire in less than two years.

This rule is intended to implement Iowa Code Supplement chapter 544C.

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CHAPTER 3
CONTINUING EDUCATION

193G—3.1(17A,272C,544C) Definitions. As used in these rules, the following definitions shall apply:

“*Contact hour*” means one 60-minute clock hour of educational activity of which at least 50 minutes is devoted to instructional content. Where other units of credit are stated for an educational experience (e.g., “CEUs”), they shall be credited in terms of actual contact hours.

“*Health, safety and welfare subjects*” or “*HSW subjects*” means subjects that relate to the planning and designing of spaces and elements to minimize the risk of injury to persons or property. Such subjects include compliance with applicable building and safety codes, the planning and designing of spaces and elements that optimize over time the physically and mentally healthful use of those spaces and elements, and the planning and designing of spaces and elements that are durable, maintainable, cost-effective, environmentally conscientious and conservative of resources; that function properly in all relevant respects; that encourage access, functional independence and use by all relevant populations; that encourage user satisfaction, including aesthetic appeal; that promote a sense of user confidence and peace of mind; that integrate effectively with the surrounding environment; and that, in other similar ways, enhance the health, safety and well-being of the public.

“*Self-directed activity*” means a method of interior design-related learning occurring outside of a formal course setting.

“*Structured activity*” means a method of interior design-related learning led by a qualified individual and conducted or sponsored by a professional organization, technical organization, industry source or accredited college or university including monographs, courses of study taught in person or by correspondence, organized lectures, presentations or workshops, formal courses of instruction, and other means through which identifiable technical and professional subjects are presented in a planned manner.

193G—3.2(17A,272C,544C) Continuing education requirements.

3.2(1) Hours required. Each registrant shall complete during each two-year registration term a minimum of 12 contact hours of continuing education approved by the board. Compliance with the continuing education requirement is a prerequisite for registration renewal.

3.2(2) Within any biennial renewal period during which 12 contact hours must be acquired, at least 8 contact hours shall be in health, safety and welfare subjects in a structured activity. A maximum of 4 contact hours may be in self-directed activities. Hours acquired in any 24-month renewal period may not be carried over to a subsequent 24-month renewal period. Continuing education hours need not be acquired in this state, but may be acquired in any location provided that the registrant can demonstrate that the program meets the definition of either structured activity or self-directed activity as defined in this chapter.

3.2(3) A registered interior designer who holds a registration in Iowa for less than 12 months from the date of initial registration shall not be required to report continuing education at the first registration renewal. A registered interior designer who holds a registration in Iowa for more than 12 months, but less than 24 months from the date of initial registration, shall be required to report 6 contact hours (with a minimum of 4 contact hours in HSW subjects in a structured activity) earned in the preceding 12 months at the first registration renewal.

3.2(4) Sources of continuing education. The following suggested list may be used by all registrants to determine the types of activities that may fulfill the continuing education requirements. Credit may not be claimed for any activity required as part of a registered interior designer’s routine professional responsibilities.

a. Self-directed activities (actual hours spent, up to a maximum of 2 contact hours per activity and limited to 4 contact hours per reporting period):

- (1) Tours of interior design-significant sites for a specified educational purpose.

(2) A service to the public which uses the registered interior designer's expertise as an interior designer. Examples include serving on a planning commission, building code advisory board or building code study committee.

(3) Informal industry or other similar instruction related to new interior design or new interior design-related technology and offered by an individual qualified by education or experience.

(4) Service as an officer or active committee participant in an educational, technical or professional society. One full year of service is required for the service to be considered.

b. Structured activities:

(1) Completion of a formal college or university course, seminar, tutorial or short course/monograph.

(2) Completion of a formal program, course, self-study course, monograph or equivalent educational experience sponsored by a professional or technical organization or industry source.

(3) Instruction of a course, seminar, lecture, presentation, workshop or similar formal educational program. Credit shall be allowed at a maximum of three preparation hours for each class hour spent for actual presentation, valid for the initial presentation only. College and university faculty may not claim contact or preparation credit for teaching regular curriculum courses.

(4) Research that is published or is formally presented to the profession or public. Credit shall be allowed at a maximum of 4 contact hours per reporting period and shall be valid for the initial presentation only.

(5) Completion of college or university credit courses dealing with interior design-related subjects. Each semester hour shall equal 15 contact hours. A quarter hour shall equal 10 contact hours. There is no limit to hours claimed for this activity.

3.2(5) Approved continuing education. The board does not preapprove continuing education activities or courses; however, in general, activities and courses in HSW subjects are considered to include, but are not limited to, the following topics:

a. Life safety, ADA, and other codes, standards and administrative regulations governing the practice of interior design.

b. Safety and security issues (e.g., exit design, fall prevention design, crime prevention design, etc.).

c. Physical and mental health issues.

d. Topics that relate to human physiology, perception, anthropometrics, ergonomics, psychology, sociology, ecology and cultural factors.

e. Energy efficiency.

f. Environmental issues.

g. Accessibility and universal design.

h. Materials and methods.

i. Building systems.

j. Statutes and rules relating to interior design regulation.

k. Professional ethics.

l. Legal aspects of professional practice.

m. Construction documents and services.

n. Project administration.

193G—3.3(17A,272C,544C) Controls and reporting.

3.3(1) An applicant for registration renewal may be requested to provide, in such manner and at such time as prescribed by the board, a signed statement, under penalty of perjury, on forms provided by the board, setting forth the continuing education in which the registrant has participated.

a. When requested to provide a listing of the continuing education completed for structured activities, the information shall include:

(1) School, firm or organization conducting the course.

(2) Location of course.

(3) Title of course or description of content.

- (4) Principal instructor.
- (5) Dates attended.
- (6) Hours claimed.
- b.* Proof of participation in a nonstructured activity shall include:
 - (1) Activity claimed.
 - (2) Names of other individuals (if any) who participated.
 - (3) Date attended.
 - (4) Duration of activity.
 - (5) Location of activity.
 - (6) Written summary of the experience and learning outcomes.
 - (7) Signed statement that the activity was not part of the individual's routine professional responsibilities.

3.3(2) The board may require sponsors of courses to furnish an attendance list or any other information the board deems essential for administration of these continuing education rules.

3.3(3) The board will verify, on a random basis, information submitted by registrants. If an application for renewal is not approved, the applicant will be so notified and may be granted a period of time by the board in which to correct the deficiencies noted.

3.3(4) Primary responsibility for documenting the requirements rests with the registrant, and evidence to support fulfillment of those requirements must be retained for a period of five years subsequent to submission of the report claiming the credit. Satisfaction of the requirements, including retention of attendance records and written outlines, may be accomplished as follows:

- a.* For courses taken for scholastic credit at accredited universities and colleges, evidence of satisfactory completion of the course is sufficient; for noncredit courses taken, a statement of the hours of attendance, signed by the instructor, must be obtained by the registrant.
- b.* For correspondence courses and formal independent study courses, written evidence or a certificate of completion from the sponsor or course provider shall be obtained by the registrant.
- c.* In all other instances, the registrant must maintain a record of the information listed in subrule 3.3(1), paragraph "a," and a copy of the course outline prepared by the course sponsor.

193G—3.4(17A,544C) Hearings. In the event of denial, in whole or in part, of any application for approval of credit for continuing education activity, the registrant shall have the right, within 20 days after the date of notification of the denial by mail, to request a hearing by the board. The hearing shall be held within 60 days after receipt of the request for the hearing. The decision of the board shall be final.

193G—3.5(17A,544C) Physical disability, illness, hardships or extenuating circumstances. The board may, in individual cases involving physical disability, illness (certified by a doctor), hardship, or extenuating circumstances, grant waivers of the continuing education requirements for a period of time not to exceed one year. No waiver or extension of time shall be granted unless the registrant makes a written request to the board for such action.

193G—3.6(17A,544C) Methods of compliance and exemptions. A person registered as an interior designer shall be deemed to have complied with the continuing education requirements during the continuing education compliance period in which the registrant:

1. Serves honorably on active duty in the military service; or
2. Resides in another state or district having a continuing education requirement for registered interior designers and meets all the requirements of that state or district for practice therein (registrants of states not having a continuing education requirement must comply with Iowa's continuing education requirements); or
3. Is a government employee working as a registered interior designer outside the United States.

193G—3.7(17A,544C) Grounds for denial of registration renewal. Failure of a registrant to complete the continuing education requirements as set forth in this chapter, or failure to file a report of completed

continuing education, or failure to submit a written request for waiver or exemption shall be grounds for the board to deny renewal of the registration.

These rules are intended to implement Iowa Code chapter 544C.

[Filed 9/7/07, Notice 7/18/07—published 9/26/07, effective 10/31/07]

CHAPTER 4
PROFESSIONAL CONDUCT

193G—4.1(544C) Rules of conduct. A registered interior designer shall maintain a high standard of integrity and professional responsibility within the profession of interior design to protect the public health, life safety, and welfare.

4.1(1) Competence.

a. A registered interior designer shall act with reasonable care and competence and shall apply the technical knowledge and skill ordinarily applied by a registered interior designer of good standing providing interior design services in the same locality.

b. The board may initiate discipline against a registered interior designer or may, when appropriate, refer a registered interior designer to the board's impaired practitioner review committee based on habitual intoxication or addiction to the use of drugs or other impairment which adversely affects the registrant's ability to practice in a safe and competent manner.

4.1(2) Conflict of interest. A registered interior designer shall not accept compensation for interior design services from more than one party on a project unless circumstances are fully disclosed and agreed to in writing by all interested parties.

4.1(3) Full disclosure.

a. A registered interior designer shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with application for registration or renewal of registration.

b. A registered interior designer shall not assist in the application for registration of a person known by the registered interior designer to be unqualified with respect to education, training, experience or character.

c. A registered interior designer engaged in the practice of interior design must act in the best interest of the client and shall not allow integrity, objectivity or professional judgment to be impaired.

d. A registered interior designer with knowledge of a violation of these rules by another registered interior designer shall report such knowledge to the board.

4.1(4) Professional conduct.

a. A registered interior designer shall respect the confidentiality of sensitive information obtained in the course of the interior designer's professional activities.

b. A registered interior designer shall not engage in conduct involving fraud, deceit, misrepresentation or dishonesty in the practice of interior design.

c. A registered interior designer shall neither attempt to obtain a contract to provide interior design services through any unlawful means nor assist others in such an attempt.

d. A registered interior designer shall neither offer nor make any payment to a governmental official with the intent of influencing the official's judgment in connection with a prospective or existing project in which the interior designer has an interest.

This rule is intended to implement Iowa Code chapter 544C.

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CHAPTER 5
DISCIPLINARY AUTHORITY AND GROUNDS FOR DISCIPLINE

193G—5.1(17A,272C,544C) Disciplinary authority. The board is empowered to administer Iowa Code chapters 17A, 272C, and 544C and related administrative rules for the protection and well-being of those persons who may rely upon registered individuals for the performance of interior design services within this state or for clients in this state. To perform these functions, the board is broadly vested with authority to review and investigate alleged acts or omissions of registrants, determine whether disciplinary proceedings are warranted, initiate and prosecute disciplinary proceedings, establish standards of professional conduct, and impose discipline pursuant to Iowa Code sections 17A.13, 272C.3 to 272C.6, 272C.10, 544C.3 and 544C.10.

193G—5.2(17A,272C,544C) Grounds for discipline. The board may initiate disciplinary action against a registered interior designer on any of the following grounds:

1. A violation of any of the rules of professional conduct set forth in 193G—Chapter 4.
2. A violation of Iowa Code subsection 272C.9(2) or 272C.9(3).
3. Failure to comply with an order of the board imposing discipline.
4. A violation of Iowa Code subsection 272C.3(2).
5. Continuing to practice as a registered interior designer without satisfying the continuing education requirement, absent express waiver granted by the board.
6. Failure to fully cooperate with a registrant disciplinary investigation or investigation against a nonregistrant, including failure to respond to a board inquiry within 30 calendar days of the date of mailing by certified mail of a written communication directed to the registrant's last address on file at the board office.
7. A violation of Iowa Code section 544C.9 or 272C.10.

These rules are intended to implement Iowa Code chapters 17A, 272C, and 544C.

[Filed 5/15/07, Notice 3/28/07—published 6/6/07, effective 7/11/07]

CHAPTER 6
DISCIPLINARY INVESTIGATIONS

193G—6.1(17A,272C,544C) Investigative authority. The board is authorized by Iowa Code sections 17A.13(1), 272C.3, 272C.4 and 272C.6(4) to conduct disciplinary investigations to determine whether grounds exist to initiate a disciplinary proceeding against a registrant.

193G—6.2(17A,272C,544C) Initiation of disciplinary investigations. The board may initiate a registrant disciplinary investigation upon the board's receipt of information suggesting that a registrant may have violated a law or rule enforced by the board which violation, if true, would constitute grounds for registrant discipline. The board may also review the publicly available work product of a registrant on a general or random basis to determine whether reasonable grounds exist to initiate disciplinary proceedings or to conduct a more specific investigation.

193G—6.3(272C,544C) Sources of information. Without limitation, the following nonexclusive list of information sources may form the basis for the initiation of a disciplinary investigation or proceeding:

1. General or random review of publicly available work product.
2. News articles or other media sources.
3. Reports filed with the board by the commissioner of insurance pursuant to Iowa Code subsection 272C.4(9).
4. Complaints filed with the board by any member of the public.
5. Registration applications or other documents submitted to the board.
6. Reports to the board from any regulatory or law enforcement agency from any jurisdiction.
7. Board audits of registrant compliance with conditions for registration, such as continuing education.

193G—6.4(17A,272C,544C) Conflict of interest. If the subject of a complaint is a member of the board, or if a member of the board has a conflict of interest in any disciplinary matter before the board, that member shall abstain from participation in any consideration of the complaint and from participation in any disciplinary hearing that may result from the complaint.

193G—6.5(272C,544C) Complaints. Written complaints may be submitted to the board office by mail, E-mail, facsimile, or personal delivery by members of the public, including clients, business organizations, nonprofit organizations, governmental bodies, registrants, or other individuals or entities with knowledge of possible law or rule violations by registrants.

6.5(1) Contents of a written complaint. Written complaints may be submitted on forms provided by the board which are available from the board office and on the board's Web site. Written complaints, whether submitted on a board complaint form or in other written medium, shall contain the following information:

- a. The full name, address, and telephone number of the complainant (person complaining).
- b. The full name, address, and telephone number of the respondent (registrant against whom the complaint is filed).
- c. A statement of the facts and circumstances giving rise to the complaint, including a description of the alleged acts or omissions which the complainant believes demonstrate that the respondent has violated or is violating laws or rules enforced by the board.
- d. If known, citations to the laws or rules allegedly violated by the respondent.
- e. Evidentiary supporting documentation.
- f. Steps, if any, taken by the complainant to resolve the dispute with the respondent prior to filing a complaint.

6.5(2) Immunity. As provided by Iowa Code section 272C.8, a person shall not be civilly liable as a result of filing a report or complaint with the board unless such act is done with malice, nor shall an employee be dismissed from employment or discriminated against by an employer for filing such a report or complaint.

6.5(3) *Role of complainant.* The role of the complainant in the disciplinary process is limited to providing the board with factual information relative to the complaint. A complainant is not party to any disciplinary proceeding which may be initiated by the board based in whole or in part on information provided by the complainant.

6.5(4) *Role of the board.* The board does not act as an arbiter of disputes between private parties, nor does the board initiate disciplinary proceedings to advance the private interest of any person or party. The role of the board in the disciplinary process is to protect the public by investigating complaints and initiating disciplinary proceedings in appropriate cases. The board possesses sole decision-making authority throughout the disciplinary process, including the authority to determine whether a case will be investigated, the manner of the investigation, whether a disciplinary proceeding will be initiated, and the appropriate registrant discipline to be imposed, if any.

6.5(5) *Initial complaint screening.* All written complaints received by the board shall be initially screened by the board's executive officer to determine whether the allegations of the complaint fall within the board's investigatory jurisdiction and whether the facts presented, if true, would constitute a basis for disciplinary action against a registrant. Complaints which are clearly outside the board's jurisdiction, which clearly do not allege facts upon which disciplinary action would be based, or which are frivolous shall be referred by the board's executive officer to the board for closure at the next scheduled board meeting. All other complaints shall be referred by the board's executive officer to the board's disciplinary committee for committee review as described in rule 193G—6.8(17A,272C,544C).

193G—6.6(272C,544C) Case numbers. Whether based on a written complaint received by the board or a complaint initiated by the board, all complaint files shall be tracked by a case numbering system. Complaints are assigned case numbers in chronological order with the first two digits representing the year in which the complaint was received or initiated, and the second two digits representing the order in which the case file was opened (e.g., 01-01, 01-02, 01-03, etc.). The board's executive officer shall maintain a case file log noting the date each case file was opened, whether disciplinary proceedings were initiated in the case, and the final disposition of the case. Once a case file number is assigned to a complaint, all persons communicating with the board regarding that complaint are encouraged to include the case file number to facilitate accurate record keeping and a prompt response.

193G—6.7(272C,544C) Confidentiality of complaint and investigative information. All complaint and investigative information received or created by the board is privileged and confidential pursuant to Iowa Code subsection 272C.6(4). Such information shall not be released to any person except as provided in that subsection.

193G—6.8(17A,272C,544C) Investigation procedures.

6.8(1) *Disciplinary committee.* The board chairperson shall annually appoint, as needed, two to four members of the board to serve on the board's disciplinary committee to review and process disciplinary complaints. The disciplinary committee is a purely advisory body which shall review complaint files referred by the board's executive officer, generally supervise the investigation of complaints, and make recommendations to the full board on the disposition of complaints. Members of the committee shall not personally investigate complaints, but they may review the investigative work product of others in formulating recommendations to the board.

6.8(2) *Committee screening of complaints.* Upon the referral of a complaint from the board's executive officer or from the full board, the committee shall determine whether the complaint presents facts which, if true, suggest that a registrant may have violated a law or rule enforced by the board. If the committee concludes that the complaint does not present facts which suggest such a violation or that the complaint does not otherwise constitute an appropriate basis for disciplinary action, the committee shall refer the complaint to the full board with the recommendation that the complaint be closed with no further action. If the committee determines that the complaint does present a credible basis for disciplinary action, the committee may either immediately refer the complaint to the full board recommending that a disciplinary proceeding be commenced or initiate a disciplinary investigation.

6.8(3) *Committee procedures.* If the committee determines that additional information is necessary or desirable to evaluate the merits of a complaint, the committee may assign an investigator or expert consultant, appoint a peer review committee, provide the registrant an opportunity to appear before the disciplinary committee for an informal discussion as described in rule 193G—6.9(17A,272C,544C), or request board staff to conduct further investigation. Upon completion of an investigation, the investigator, expert consultant, peer review committee or board staff shall present a report to the committee. The committee shall review the report and determine what further action is necessary. The committee may:

- a. Request further investigation.
- b. Determine there is not probable cause to believe a disciplinary violation has occurred and refer the case to the full board with the recommendation of closure.
- c. Determine there is probable cause to believe that a law or rule enforced by the board has been violated, but that disciplinary action is unwarranted on other grounds, and refer the case to the full board with the recommendation of closure. The committee may also recommend that the registrant be informally cautioned or educated about matters which could form the basis for disciplinary action in the future.
- d. Determine there is probable cause to believe a disciplinary violation has occurred, and refer the case to the full board with the recommendation that the board initiate a disciplinary proceeding (contested case).

6.8(4) *Subpoena authority.* Pursuant to Iowa Code subsections 17A.13(1) and 272C.6(3), the board is authorized in connection with a disciplinary investigation to issue subpoenas to compel witnesses to testify or persons to produce books, papers, records and any other real evidence, whether or not privileged or confidential under law, which the board deems necessary as evidence in connection with a disciplinary proceeding or relevant to the decision of whether to initiate a disciplinary proceeding. Board procedures concerning investigatory subpoenas are set forth in 193—Chapter 6.

193G—6.9(17A,272C,544C) *Informal discussion.* If the disciplinary committee considers it advisable, or if requested by the affected registrant, the committee may grant the registrant an opportunity to appear before the committee for a voluntary informal discussion of the facts and circumstances of an alleged violation, subject to the provisions of this rule.

6.9(1) An informal discussion is intended to provide a registrant an opportunity to share the registrant's account of a complaint in an informal setting before the board determines whether probable cause exists to initiate a disciplinary proceeding. A registrant is not required to attend an informal discussion. Because disciplinary investigations are confidential, the registrant may not bring other persons to an informal discussion, but registrants may be represented by legal counsel.

6.9(2) Unless disqualification is waived by the registrant, board members or staff who personally investigate a disciplinary complaint are disqualified from making decisions or assisting the decision makers at a later formal hearing. Because board members generally rely upon investigators, peer review committees, or expert consultants to conduct investigations, the issue rarely arises. An informal discussion, however, is a form of investigation because it is conducted in a question and answer format. In order to preserve the ability of all board members to participate in board decision making and to receive the advice of staff, a registrant who desires to attend an informal discussion must therefore waive the right to seek disqualification of a board member or staff based solely on the board member's or staff's participation in an informal discussion. A registrant would not waive the right to seek disqualification on any other ground. By electing to attend an informal discussion, a registrant accordingly agrees that participating board members or staff are not disqualified from acting as a presiding officer in a later contested case proceeding or from advising the decision maker.

6.9(3) Because an informal discussion constitutes a part of the board's investigation of a pending disciplinary case, the facts discussed at the informal discussion may be considered by the board in the event the matter proceeds to a contested case hearing and those facts are independently introduced into evidence.

6.9(4) The disciplinary committee, subject to board approval, may propose a consent order at the time of the informal discussion. If the registrant agrees to a consent order, a statement of charges shall be filed simultaneously with the consent order, as provided in rule 193—7.4(17A,272C).

193G—6.10(17A,272C,544C) Closing complaint files.

6.10(1) *Grounds for closing.* Upon the recommendation of the board's executive officer pursuant to subrule 6.5(5), the recommendation of the disciplinary committee pursuant to rule 193G—6.8(17A,272C,544C), or on its own motion, the board may close a complaint file, with or without prior investigation. Given the broad scope of matters about which members of the public may complain, it is not possible to catalog all possible reasons why the board may close a complaint file. The following nonexclusive list is, however, illustrative of the grounds upon which the board may close a complaint file:

- a. The complaint alleges matters outside the board's jurisdiction.
- b. The complaint does not allege a reasonable or credible basis to believe that the subject of the complaint violated a law or rule enforced by the board.
- c. The complaint is frivolous or trivial.
- d. The complaint alleges matters more appropriately resolved in a different forum, such as civil litigation to resolve a contract dispute, or more appropriately addressed by alternative procedures, such as outreach education or rule making.
- e. The matters raised in the complaint are situational, isolated, or unrepresentative of a registrant's typical practice, and the registrant has taken appropriate steps to ensure future compliance and prevent public injury.
- f. Resources are unavailable or better directed to other complaints or board initiatives in light of the board's overall budget and mission.
- g. Other extenuating factors weigh against the imposition of public discipline when considered in the context of the board's purpose and mission.

6.10(2) *Closing orders.* The board's executive officer may enter an order stating the basis for the board's decision to close a complaint file. If entered, the order shall not contain the identity of the complainant or the respondent and shall not disclose confidential complaint or investigative information. If entered, a closing order will be indexed by case number and shall be a public record pursuant to Iowa Code subsection 17A.3(1)(d). A copy of the order may be mailed to the complainant, if any, and to the respondent. The board's decision whether or not to pursue an investigation, to institute disciplinary proceedings, or to close a file is not subject to judicial review.

6.10(3) *Cautionary letters.* The board may issue a confidential letter of caution to a registrant when a complaint file is closed which informally cautions or educates the registrant about matters which could form the basis for disciplinary action in the future if corrective action is not taken by the registrant. Informal cautionary letters do not constitute disciplinary action, but the board may take such letters into consideration in the future if a registrant continues a practice about which the registrant has been cautioned.

6.10(4) *Reopening closed complaint files.* The board may reopen a closed complaint file if additional information arises after closure which provides a basis to reassess the merits of the initial complaint.

These rules are intended to implement Iowa Code chapters 17A, 272C and 544C.

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CHAPTER 7
DISCIPLINARY PROCEEDINGS

193G—7.1(17A,272C,544C) Initiation of disciplinary proceedings. Disciplinary proceedings may be initiated only by the affirmative vote of a majority of a quorum of the board at a public meeting. Board members who are disqualified shall not be included in determining whether a quorum exists. If, for example, two members of the board are disqualified, four members of the board shall constitute a quorum of the remaining six board members for purposes of voting on the case in which the two members are disqualified. When three or more members of the board are disqualified or otherwise unavailable for any reason, the board's executive officer may request the special appointment of one or more substitute board members pursuant to Iowa Code section 17A.11, subsection 5.

193G—7.2(17A,272C,544C) Disciplinary contested case procedures. Unless in conflict with a provision of board rules in this chapter, all of the procedures set forth in 193—Chapter 7 shall apply to disciplinary contested cases initiated by the board.

193G—7.3(272C,544C) Disciplinary sanctions.

7.3(1) Type of sanctions. The board has authority to impose the following disciplinary sanctions:

- a. Revoke a registration issued by the board.
- b. Suspend a registration issued by the board.
- c. Revoke or suspend the privilege to engage in one or more areas of interior design.
- d. Impose a period of probation, either with or without conditions.
- e. Impose requirements regarding continuing education. The board may specify that a designated amount of continuing education be taken in specific subjects and may specify the time period for completing these courses. The board may also specify whether that continuing education be in addition to the continuing education routinely required for registration renewal. The board may also specify that additional continuing education be a condition for the termination of any suspension or reinstatement of a registration. The board may also specify that current reference materials be obtained and maintained.
- f. Require reexamination, using one or more parts of the NCIDQ examination given to candidates for the registered interior design registration.
- g. Impose civil penalties, the amount of which shall be at the discretion of the board, but which shall not exceed \$1,000 per violation. Civil penalties may be imposed for any of the disciplinary violations specified in rule 193G—5.2(17A,272C,544C).
- h. Issue a reprimand.

7.3(2) Imposing discipline. Discipline may be imposed against a registrant only by the affirmative vote of a majority of the members of the board who are not disqualified.

7.3(3) Voluntary surrender. The board may accept the voluntary surrender of a registration to resolve a pending disciplinary contested case or pending disciplinary investigation. The board shall not accept a voluntary surrender of a registration to resolve a pending disciplinary investigation unless a statement of charges will be filed along with the order accepting the voluntary surrender. Such a voluntary surrender is considered disciplinary action and shall be published in the same manner as is applicable to any other form of disciplinary order.

7.3(4) Notification requirements. Whenever a registration is revoked, suspended, restricted, or voluntarily surrendered under this chapter, the registrant shall:

- a. Within 15 days of receipt of the board's final order, notify in writing all clients of the fact that the registration has been revoked, suspended or voluntarily surrendered or that the practice of the registrant has been restricted. Such notice shall advise the client to obtain alternative professional services, unless the restriction at issue would not impact the registered interior design services provided for that client;
- b. Within 30 days of receipt of the board's final order, the registrant shall file with the board copies of the notices sent pursuant to paragraph 7.3(4) "a." Compliance with this requirement shall be a condition for an application for reinstatement.

7.3(5) *Civil penalties.* Factors the board may consider when determining whether to assess and the amount of civil penalties include:

- a. Whether other forms of discipline are being imposed for the same violation.
- b. Whether the amount imposed will be a substantial deterrent to the violation.
- c. The circumstances leading to the violation.
- d. The severity of the violation and the risk of harm to the public.
- e. The economic benefits gained by the registrant as a result of the violation.
- f. The interest of the public.
- g. Evidence of reform or remedial action.
- h. Time lapsed since the violation occurred.
- i. Whether the violation is a repeat offense following a prior cautionary letter, disciplinary order, or other notice of the nature of the infraction.
- j. The clarity of the issues involved.
- k. Whether the violation was willful and intentional.
- l. Whether the registrant acted in bad faith.
- m. The extent to which the registrant cooperated with the board.

193G—7.4(272C,544C) Publication of decisions.

7.4(1) The board shall publish in the board's newsletter, or in another professional publication designated by the board, the name of each registrant disciplined by the board, along with a brief description of the underlying circumstances, regardless of the nature of the violation.

7.4(2) The board shall issue a formal press release in those instances in which a registration has been suspended or revoked.

7.4(3) The board shall notify other state interior design boards that have issued a similar license to an Iowa registrant of disciplinary action taken against the Iowa registrant. The board shall also notify the National Council for Interior Design Qualification of disciplinary action taken against an Iowa registrant.

193G—7.5(272C,544C) Reinstatement.

7.5(1) The term "reinstatement" as used in this rule and in rule 193—7.38(17A,272C) shall include the reinstatement of a suspended registration, the modification or removal of a practice restriction, the issuance of a registration following the denial of an application to renew a registration, and the issuance of a new registration following the revocation or voluntary surrender of a registration.

7.5(2) Any person whose registration has been revoked, suspended or restricted by the board, or who has voluntarily surrendered a registration to conclude a disciplinary investigation or proceeding, or whose application to renew a registration has been denied may apply to the board to modify or terminate the suspension, issue or reissue the registration, or modify or remove the restriction in accordance with the provisions of this rule, and the terms of the order of revocation, suspension or restriction, denial of registration renewal, or acceptance of voluntary surrender of a registration.

7.5(3) If the applicable order did not establish terms upon which the registrant may apply for reinstatement, an initial application for reinstatement may not be made until one year has elapsed from the date of the order which revoked, suspended or restricted the registration, denied registration renewal, or accepted a voluntary surrender.

7.5(4) All proceedings for reinstatement shall be initiated by the respondent and shall be subject to the procedures set forth in rule 193—7.38(17A,272C). In addition, the board may grant an applicant's request to appear informally before the board prior to the issuance of a notice of hearing on the application if the applicant requests an informal appearance in the application and agrees not to seek to disqualify on the ground of personal investigation the board members or staff before whom the applicant appears.

7.5(5) An order granting an application for reinstatement may impose such terms and conditions as the board deems desirable, which may include one or more of the types of disciplinary sanctions described in rule 193G—7.3(272C,544C).

7.5(6) The board shall not grant an application for reinstatement when the initial order which revoked, suspended or restricted the registration, denied registration renewal, or accepted a voluntary

surrender was based on a criminal conviction and the applicant cannot demonstrate to the board's satisfaction that:

- a.* All terms of the sentencing or other criminal order have been fully satisfied;
- b.* The applicant has been released from confinement and any applicable probation or parole; and
- c.* Restitution has been made or is reasonably in the process of being made to any victims of the crime.

These rules are intended to implement Iowa Code chapters 17A, 272C, and 544C.

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CHAPTER 8
RENEWAL AND REINSTATEMENT

193G—8.1(17A,272C,544C) Renewal of certificates of registration. Certificates of registration expire biennially on June 30. Following the transition period described in 193G— subrule 2.1(4), certificates issued to registrants with last names beginning with A through K shall expire on June 30 of even-numbered years and certificates issued to registrants with last names beginning with L through Z shall expire on June 30 of odd-numbered years. In order to maintain authorization to practice in Iowa, a registrant is required to renew the certificate of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to use the title of registered interior designer in Iowa until the certificate is reinstated as provided in rule 193G—3.2(17A,272C,544C).

8.1(1) It is the policy of the board to mail to each registrant at the registrant's last-known address a notice of the pending expiration date approximately one month prior to the date the certificate of registration is scheduled to expire. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

8.1(2) If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education provisions required as a condition for registration. If the basis for denial is a pending disciplinary action or disciplinary investigation that is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

8.1(3) When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the 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; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours of continuing education completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not fulfilled. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the registrant pursuant to 193—subrule 7.40(1).

8.1(4) The board may notify registrants whose certificates of registration have expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

8.1(5) A registrant who continues to use the title of registered interior designer in Iowa after the registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

8.1(6) Registrants shall notify the board within 30 days of any change of address or business.

193G—8.2(544C,17A) Reinstatement of certificates of registration. An applicant for reinstatement must inform the board in writing of the intention to reinstate. The board shall use the following criteria when determining the requirements for reinstatement:

8.2(1) An individual may reinstate an expired certificate within two years by:

- a. Paying the reinstatement fee of \$100;
- b. Paying the current renewal fee;

c. Providing a written statement outlining the professional activities of the applicant during the period of nonregistration;

d. Submitting documented evidence of completion of 6 contact hours (4 contact hours in public protection subjects) of continuing education for each year or portion of a year of expired registration in compliance with requirements in 193G—Chapter 3. The hours reported shall be in addition to the 12 contact hours (8 contact hours in public protection subjects) which should have been reported on the June 30 renewal date at which the registrant failed to renew. The continuing education hours used for reinstatement may not be used again at the next renewal.

8.2(2) An individual may reinstate a certificate which has been expired for more than two years by:

a. Paying the reinstatement fee of \$100;

b. Paying the current renewal fee;

c. Providing a written statement outlining the professional activities of the applicant during the period of nonregistration;

d. Submitting documented evidence of completion of continuing education as determined by the board. The board shall require no more than 24 contact hours (16 contact hours in public protection subjects); however, the hours reported shall not have been earned more than four years prior to the date of the application to reinstate.

8.2(3) The board shall review reinstatement applications on a case-by-case basis and may, at its discretion, require that the applicant take additional measures as directed by the board as a prerequisite to reinstatement.

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