

PROFESSIONAL LICENSING AND REGULATION BUREAU[193]

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CHAPTER 1
ORGANIZATION AND OPERATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/14/29

193—1.1(546) Purpose of Chapter 1. This chapter describes the organization and operation of the accountancy examining board, architectural examining board, engineering and land surveying examining board, interior design examining board, landscape architectural examining board, real estate appraiser examining board, and real estate commission of the department of inspections, appeals, and licensing (hereinafter referred to as “professional licensing boards”).

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.2(546) Scope of rules. The rules for the professional licensing boards are promulgated under Iowa Code chapter 17A and section 10A.103 and apply to all matters before the professional licensing boards. No rule shall, in any way, relieve a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various boards from any duty under the laws of this state.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.3(546) Definitions.

“*Administrator*” means the director of the department of inspections, appeals, and licensing.

“*Board*” means an examining board or commission within the department of inspections, appeals, and licensing.

“*Department*” means the department of inspections, appeals, and licensing.

“*License*” means any license, registration, certificate, or permit that may be granted by one of the professional licensing boards.

“*Licensee*” means any person granted a license by one of the professional licensing boards.

“*Person*” means an individual, corporation, partnership, association, professional corporation, licensee, certificate holder, or registrant.

“*Staff*” means employees assigned to one of the professional licensing boards.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.4(546) Purpose of the professional licensing boards. The professional licensing boards coordinate the administrative support for the following boards:

1.4(1) The engineering and land surveying examining board is a seven-member board appointed by the governor and confirmed by the senate. The board administers Iowa Code chapter 542B, Professional Engineers and Land Surveyors, and board rules published under agency number [193C] in the Iowa Administrative Code.

1.4(2) The accountancy examining board is an eight-member board appointed by the governor and confirmed by the senate. The board administers Iowa Code chapter 542, Public Accountants, and board rules published under agency number [193A] in the Iowa Administrative Code.

1.4(3) The real estate commission is a seven-member commission appointed by the governor and confirmed by the senate. The commission administers Iowa Code chapters 543B, Real Estate Brokers and Salespersons; 543C, Sales of Subdivided Land Outside of Iowa; and 557A, Time-Shares; and commission rules published under agency number [193E] in the Iowa Administrative Code.

1.4(4) The architectural examining board is a seven-member board appointed by the governor and confirmed by the senate. The board administers Iowa Code chapter 544A, Licensed Architects, and board rules published under agency number [193B] in the Iowa Administrative Code.

1.4(5) The landscape architectural examining board is a seven-member board appointed by the governor and confirmed by the senate. The board administers Iowa Code chapter 544B, Landscape Architects, and board rules published under agency number [193D] in the Iowa Administrative Code.

1.4(6) The real estate appraiser examining board is a seven-member board appointed by the governor and confirmed by the senate. The board administers Iowa Code chapter 543D, Real Estate Appraisals and Appraisers, and board rules published under agency number [193F] in the Iowa Administrative Code.

1.4(7) The interior design examining board is a seven-member board appointed by the governor and confirmed by the senate. The board administers Iowa Code chapter 544C, Registered Interior Designers, and board rules published under agency number [193G] in the Iowa Administrative Code.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.5(546) Responsibilities of the boards. All of the boards retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters. Each board will adopt rules pursuant to Iowa Code chapter 17A. Decisions by each board are final agency actions for purposes of Iowa Code chapter 17A.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.6(546) Responsibilities of the administrator.

1.6(1) The following are responsibilities of the administrator:

a. To make rules pursuant to Iowa Code chapter 17A to implement board duties except to the extent that rulemaking authority is vested in the boards in the bureau.

b. To carry out policy-making and enforcement duties assigned to the boards under the law.

c. To hire, allocate, develop, and supervise members of the staff employed to perform the duties assigned to the boards, including designating staff to act as the executive officer, who may be referred to as the board administrator, for and lawful custodian of the records of each board in the bureau.

d. To coordinate the development of an annual budget for the boards.

e. To supervise and direct personnel and other resources to accomplish duties assigned by law.

f. To authorize expenditures from any appropriation or fund established on behalf of the boards.

1.6(2) Except to the extent that decision-making authority is vested in the boards or other body, decisions of the administrator are final agency actions pursuant to Iowa Code chapter 17A.

1.6(3) Except to the extent otherwise vested in the boards, the administrator has the authority to establish fees assessed to the regulated industry.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.7(546) Custodian of records, filings, and requests for public information. Unless otherwise specified by the rules of the boards, an individual board is the principal custodian of the individual board's own orders, statements of law or policy issued by the individual board, legal documents, and other public documents on file.

Any interested party may examine all public records promulgated or maintained by the boards during regular business hours.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.8(272C,542,542B,543B,544A,544B,544C) Applicant contact information. In addition to the mailing address(es) that need to be provided in accordance with the individual board's rules, applicants of the boards need to provide a telephone number and, if applicable, an email address. The boards will honor the "safe at home" address issued by any state's program and protective orders in domestic abuse proceedings or otherwise issued to preserve confidentiality of a person's physical location.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.9(272C,542,542B,543B,544A,544B,544C) Newsletter.

1.9(1) The administrator or administrator's designee may publish or contract with a vendor to publish a newsletter as a nonpublic forum to disseminate official information related to the regulated professions. This official information may include statutory requirements, statutory changes, rules, rule changes, proposed or pending rule changes, licensing requirements, license renewal procedures, board action, board interpretative rulings or guidelines, office procedures, disciplinary action, ethical or professional standards, education requirements, education opportunities (prelicense education, continuing education, and professional development), board business, board meetings, board news, and matters related thereto.

1.9(2) The boards may notify licensees about matters such as license renewal in the newsletter.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.10(272C,542,542B,543B,544A,544B,544C) Applications. Unless otherwise regulated by an individual board's rules, abandoned applications are deemed withdrawn. An application is abandoned if the applicant has not accessed or modified the application through the electronic licensing database within the preceding six months.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

These rules are intended to implement Iowa Code section 10A.506.

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[Filed ARC 8085C (Notice ARC 7511C, IAB 1/24/24), IAB 7/10/24, effective 8/14/24]

CHAPTER 2
ALLOCATION OF DISCIPLINARY FEES AND COSTS

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/14/29

193—2.1(272C) Allocation of disciplinary fees and costs.

2.1(1) Definition.

“*Board(s)*” includes the professional licensing boards as defined in 191—Chapter 1.

2.1(2) All hearing fees and costs assessed by the boards will be paid directly to the department and held in a separate fund administered by the administrator.

2.1(3) The administrator will distribute moneys held in this fund during the fiscal year in which those moneys are paid. Distributions from the fund are made upon the request of a board and at the sole discretion of the administrator. A distribution received by a board under this chapter will be used only for expenditures related to disciplinary hearings.

2.1(4) The administrator will consider the following factors in exercising discretion as to whether to distribute funds to a requesting board:

a. The remaining funds in the board’s allocated appropriation for disciplinary hearings in that fiscal year.

b. The number of disciplinary hearings the board has scheduled for the remainder of that fiscal year; the nature and seriousness of those hearings; and the public health, safety, and welfare interests implicated by those hearings.

c. Whether the board has adopted and implemented hearing cost recovery rules.

2.1(5) The administrator will distribute a percentage of the remaining fees and costs to each board.

2.1(6) The fees and costs allocated back to the individual professional licensing boards will be considered repayment receipts as defined in Iowa Code section 8.2. The fees and costs allocated back to each professional board will be applied to the costs incurred by each profession for prosecution of contested cases that could result in disciplinary action.

This rule is intended to implement Iowa Code section 272C.6(6).

[ARC 8086C, IAB 7/10/24, effective 8/14/24]

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CHAPTER 3
VENDOR APPEALS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
SOCIAL SECURITY NUMBERS AND PROOF OF LEGAL PRESENCE

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/14/29

193—4.1(546) Purpose. This chapter outlines a uniform process for applicants and licensees of the professional licensing boards as defined in 191—Chapter 1 to establish proof of legal presence pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621). This chapter also addresses the requirement that a license applicant provide a social security number under 42 U.S.C. 666(a)(13) and Iowa Code sections 252J.8(1) and 272D.8(1) for purposes including the collection of child support obligations and debts owed to the state of Iowa.

[ARC 8088C, IAB 7/10/24, effective 8/14/24]

193—4.2(546) Applicability.

4.2(1) Applicants and licensees who are U.S. citizens or permanent resident aliens may be requested to produce evidence of their lawful presence in the United States as a condition of initial licensure or license renewal. Acceptable evidence (List A) is outlined in subrule 4.3(1).

4.2(2) Applicants and licensees residing in the United States, other than those described in subrule 4.2(1) above, may be requested to provide evidence of lawful presence in the United States at the time of initial licensure and with every subsequent renewal. Acceptable evidence (List B) is outlined in subrule 4.3(2).

4.2(3) Evidence is not required by foreign national applicants or licensees who are not physically present in the United States.

[ARC 8088C, IAB 7/10/24, effective 8/14/24]

193—4.3(546) Acceptable evidence. The professional licensing boards accept as proof of lawful presence in the United States documents outlined in Lists A and B below. The professional licensing boards will not routinely retain the evidence sent and will not return the evidence once submitted. Documents may be retained in computer “imaged” format. Legible copies will be accepted. Original documents will not be necessary unless a question arises concerning the documentation submitted.

4.3(1) List A—acceptable documents to establish U.S. citizenship.

a. A copy of a birth certificate issued in or by a city, county, state, or other governmental entity within the United States or its outlying possessions.

b. U.S. Certificate of Birth Abroad (FS-545, DS-135) or a Report of Birth Abroad of U.S. Citizen (FS-240).

c. A birth certificate or passport issued from:

- (1) Puerto Rico, on or after January 13, 1941.
- (2) Guam, on or after April 10, 1989.
- (3) U.S. Virgin Islands, on or after February 12, 1927.
- (4) Northern Mariana Islands after November 4, 1986.
- (5) American Samoa.
- (6) Swain’s Island.
- (7) District of Columbia.

d. A U.S. passport (expired or unexpired).

e. Certificate of Naturalization (N-550, N-57, N-578).

f. Certificate of Citizenship (N-560, N-561, N-645).

g. U.S. Citizen Identification Card (I-79, I-197).

h. An individual Fee Register Receipt (Form G-711) that shows that the person has filed an application for a New Naturalization or Citizenship Paper (Form N-565).

i. Any other acceptable document that establishes a U.S. place of birth or indicates U.S. citizenship.

4.3(2) List B—acceptable documents to establish alien status.

a. An alien lawfully admitted for permanent residence under the Immigration and Naturalization Act (INA). References to the INA in this rule are to the INA as amended to November 1, 2023. Evidence includes:

- (1) INS Form I-551 (Alien Registration Receipt Card commonly known as a “green card”); or
- (2) Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94.

b. An alien who is granted asylum under Section 208 of the INA. Evidence includes:

- (1) INS Form I-94 annotated with stamp showing grant of asylum under Section 208 of the INA.
- (2) INS Form I-668B (Employment Authorization Card) annotated “274a.12(a)(5).”
- (3) INS Form I-776 (Employment Authorization Document) annotated “A5.”
- (4) Grant Letter from the Asylum Office of INS.
- (5) Order of an immigration judge granting asylum.

c. A refugee admitted to the United States under Section 207 of INA. Evidence includes:

- (1) INS Form I-94 annotated with stamp showing admission under Section 207 of the INA.
- (2) INS Form I-668B (Employment Authorization Card) annotated “274a.12(a)(3).”
- (3) INS Form I-766 (Employment Authorization Document) annotated “A3.”
- (4) INS Form I-571 (Refugee Travel Document).

d. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA. Evidence includes INS Form I-94 with stamp showing admission for at least one year under Section 212(d)(5) of the INA.

e. An alien whose deportation is being withheld under Section 243(h) of the INA (as in effect immediately prior to September 30, 1996) or Section 241(b)(3) of such Act (as amended by Section 305(a) of Division C of Public Law 104-2-8). Evidence includes:

- (1) INS Form I-668 (Employment Authorization Card) annotated “271a.12(a)(10).”
- (2) INS Form I-766 (Employment Authorization Document) annotated “A10.”
- (3) Order from an immigration judge showing deportation withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA.

f. An alien who is granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980. Evidence includes:

- (1) INS Form I-94 with stamp showing admission under Section 203(a)(7) of the INA.
- (2) INS Form I-668 (Employment Authorization Card) annotated “274a.12(a)(3).”
- (3) INS Form I-776 (Employment Authorization Document) annotated “A3.”

g. An alien who is a Cuban or Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980). Evidence includes:

- (1) INS Form I-551 (Alien Registration Receipt Card, commonly known as a “green card”) with the code CU6, CU7, or CH6.
- (2) Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94 with code CU6 or CU7.
- (3) INS Form I-94 with stamp showing parole as “Cuban/Haitian Entrant” under Section 212(d)(5) of the INA.

h. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA. Evidence includes INS Form I-94 showing this status.

i. An alien who has been declared a battered alien. Evidence includes INS petition and supporting documentation.

j. Any other documentation acceptable under the INA.

[ARC 8088C, IAB 7/10/24, effective 8/14/24]

193—4.4(252J,272D,546) Social security number disclosure.

4.4(1) An individual applying for a license from a professional licensing board will disclose the individual’s social security number on the application form unless:

a. The applicant demonstrates to the satisfaction of the board that the applicant does not possess and is not eligible for a social security number, or

b. The applicant demonstrates or attests that the applicant is in the process of applying for a social security number and will provide such number within 60 days of the date on which the applicant submits

the application to the board. The license of an applicant who is licensed pursuant to this subrule may be revoked for failure to provide a valid social security number within 60 days of the date on which the application was filed.

4.4(2) An applicant who does not possess a social security number and is not eligible for a social security number will need to demonstrate lawful presence in the United States, if applicable, and provide government-issued photo identification as needed to verify identity. If circumstances change and the applicant or licensee later attains a social security number, the applicant or licensee will disclose the social security number to the board within 30 days of the date on which the social security number is issued.

[ARC 8088C, IAB 7/10/24, effective 8/14/24]

These rules are intended to implement Iowa Code chapter 546.

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[Filed ARC 8088C (Notice ARC 7514C, IAB 1/24/24), IAB 7/10/24, effective 8/14/24]

CHAPTER 5
WAIVERS

Rescinded **ARC 8089C**, IAB 7/10/24, effective 8/14/24

CHAPTER 6
INVESTIGATORY SUBPOENAS

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/14/29

193—6.1(17A,272C,542,542B,543B,543D,544A,544B,544C) Investigatory subpoena authority. Pursuant to Iowa Code sections 17A.13(1) and 272C.6(3), professional licensing boards, as defined in 191—Chapter 1, have the authority to issue subpoenas to compel the production of professional records, books, papers, correspondence and other records that are deemed necessary as evidence in connection with the investigation of a licensee disciplinary proceeding, or otherwise necessary for the board to determine whether to commence a contested case. When such an investigation involves licensee discipline, the board may subpoena such evidence whether or not privileged or confidential under law. To ensure consistency in procedure, all boards will issue investigatory subpoenas according to the uniform procedures set forth in rule 193—6.2(17A,272C,542,542B,543B,543D,544A,544B,544C). Given the range of investigative options otherwise utilized by each board, additional detail on investigative procedures is provided separately in each board's individual rules.

[ARC 8090C, IAB 7/10/24, effective 8/14/24]

193—6.2(17A,272C,542,542B,543B,543D,544A,544B,544C) Investigatory subpoena procedures.

6.2(1) The board's executive officer or designee may, upon the written request of a board investigator or on the officer's own initiative, subpoena books, papers, records, and other real evidence that the officer determines are necessary for the board to decide whether to institute a contested case proceeding. In the case of a subpoena for mental health records, each of the following conditions need to be satisfied prior to the issuance of the subpoena:

- a. The nature of the complaint reasonably justifies the issuance of a subpoena;
- b. Adequate safeguards have been established to prevent unauthorized disclosure;
- c. An express statutory mandate, articulated public policy, or other recognizable public interest favors access; and
- d. The patient was notified and an attempt was made to secure an authorization from the patient for release of the records at issue.

6.2(2) A written request for a subpoena or the executive officer's written memorandum in support of the issuance of a subpoena will contain the following:

- a. The name and address of the person to whom the subpoena will be directed;
- b. A specific description of the books, papers, records or other real evidence requested;
- c. An explanation of the reasons that the documents sought to be subpoenaed are necessary for the board to determine whether it should institute a contested case proceeding; and
- d. In the case of a subpoena request for mental health records, confirmation that the conditions described in subrule 6.2(1) have been satisfied.

6.2(3) Each subpoena will contain the following:

- a. The name and address of the person to whom the subpoena is directed;
- b. A description of the books, papers, records or other real evidence requested;
- c. The date, time and location for production, or inspection and copying;
- d. The time within which a motion to quash or modify the subpoena needs to be filed;
- e. The signature, address and telephone number of the executive officer or designee;
- f. The date of issuance;
- g. A return of service.

6.2(4) Any person who is aggrieved or adversely affected by compliance with the subpoena who desires to challenge the subpoena needs to file a motion with the board to quash or modify the subpoena within 14 days after service of the subpoena, or before the time specified for compliance if such time is less than 14 days. The motion will describe the legal reasons why the subpoena should be quashed or modified, and may be accompanied by legal briefs or factual affidavits.

6.2(5) Upon receipt of a timely motion to quash or modify a subpoena, the board may issue a decision or may request an administrative law judge to issue a decision. The administrative law judge or the board

may quash or modify the subpoena, deny the motion, or issue an appropriate protective order. Prior to ruling on the motion, the board or administrative law judge may schedule oral argument or hearing by telephone or in person.

6.2(6) A person aggrieved by a ruling of an administrative law judge who desires to challenge the ruling needs to appeal the ruling to the board in accordance with the procedure applicable to intra-agency appeals of proposed decisions provided that all of the time frames are reduced by one-half.

6.2(7) If the person contesting the subpoena is not the person under investigation, the board's decision is final for purposes of judicial review. If the person contesting the subpoena is the person under investigation, the board's decision is not final for purposes of judicial review until either (1) the person is notified that the investigation has been concluded with no formal action, or (2) there is a final decision in the contested case.

[ARC 8090C, IAB 7/10/24, effective 8/14/24]

These rules are intended to implement Iowa Code chapters 17A, 272C, 542, 542B, 543B, 543D, 544A, 544B, and 544C.

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CHAPTER 7
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 8
DENIAL OF ISSUANCE OR RENEWAL, SUSPENSION, OR REVOCATION OF LICENSE
FOR NONPAYMENT OF CHILD SUPPORT OR STATE DEBT

Rescinded **ARC 8092C**, IAB 7/10/24, effective 8/14/24

CHAPTER 9
PETITION FOR RULE MAKING

Rescinded **ARC 8093C**, IAB 7/10/24, effective 8/14/24

CHAPTER 10
DECLARATORY ORDERS

Rescinded **ARC 8094C**, IAB 7/10/24, effective 8/14/24

CHAPTER 11
SALES AND LEASES OF GOODS AND SERVICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/14/29

193—11.1(68B) Selling or leasing of goods or services by members of the department of inspections, appeals, and licensing examining boards as defined in 191—Chapter 1. The board members cannot sell or lease, either directly or indirectly, any goods or services to individuals, associations, or corporations that are subject to the regulatory authority of the department of inspections, appeals, and licensing except as authorized by this rule, and by the consent documents filed with the Iowa ethics and campaign disclosure board pursuant to Iowa Code section 68B.4 and the corresponding provisions of rule 351—6.11(68B).

11.1(1) *Conditions of consent for members.* Consent may be given by a majority of the members of the board upon a finding that the conditions required by Iowa Code section 68B.4, as described in 351—subrule 6.11(4), have been satisfied. The board may grant a blanket consent for sales and leases to classes of individuals, associations, or corporations when such blanket consent is consistent with 351—subrule 6.11(4) and the granting of single consents is impractical or impossible to determine.

11.1(2) *Authorized sales and leases.*

a. A member of a department of inspections, appeals, and licensing examining board may sell or lease goods or services to any individual, association, or corporation regulated by any division within the department of inspections, appeals, and licensing, other than the board on which that official serves. This consent is granted because the sale or lease of such goods or services does not affect the board member's duties or functions on the board. Each board has filed its blanket consent to such sales and leases with the ethics and campaign disclosure board.

b. A member of a department of inspections, appeals, and licensing examining board may sell or lease goods or services to any individual, association, or corporation regulated by the licensing board or commission of which that person is a member if those goods or services are routinely provided to the public as part of that person's regular professional practice. This consent is granted because the sale or lease of such goods or services does not affect the board member's duties or functions on the board. In the event a complaint is filed with the licensing board concerning the services provided by the board member to a member of the public, that board member is otherwise prohibited by law from participating in any discussion or decision by the licensing board in that case, as provided, for instance, in the code of administrative judicial conduct in rule 481—15.3(10A). Each board has filed its blanket consent to such sales and leases with the ethics and campaign disclosure board. The boards intend that the blanket consent be interpreted broadly to allow routine professional services offered directly to the general public and to licensees, such as continuing education instruction or peer review services. Such consent recognizes that those licensees most proficient and ethical in their professional careers may also be among those whose services are desirable to enrich the professional competence of licensees. Interpreting the blanket consent broadly accordingly removes a possible disincentive to board membership.

c. Individual application and approval are not necessary for the sales and leases authorized by this rule and by the consents filed with the ethics and campaign disclosure board unless there are unique facts surrounding a particular sale or lease that would cause the sale or lease to affect the seller's or lessor's duties or functions, would give the buyer or lessee an advantage in dealing with the board, or would otherwise present a conflict of interest as defined in Iowa Code section 68B.2A or common law.

11.1(3) *Application for consent.* Prior to selling or leasing a good or service to an individual, association, or corporation subject to the regulatory authority of the department of inspections, appeals, and licensing, an official will obtain prior written consent, as provided in 351—subrule 6.11(3), unless the sale or lease is specifically allowed in subrule 11.1(2) and in the consents filed with the ethics and campaign disclosure board. The request for consent needs to be in writing and signed by the official requesting consent. The application needs to provide a clear statement of all relevant facts concerning the sale or lease. The application should identify the parties to the sale or lease and the amount of compensation. The application should also explain why the sale or lease should be allowed. All applications need to conform to the requirements of 351—subrule 6.11(3).

11.1(4) *Limitation of consent.* Consent will be in writing and be valid only for the activities and the time period specifically described in the consent. Consent can be revoked at any time by a majority vote of the members of the board upon written notice to the board. A consent provided under this rule does not constitute authorization for any activity that is a conflict of interest under common law or that would violate any other statute or rule. It is the responsibility of the official requesting consent to ensure compliance with all other applicable laws and rules. The board's ruling on each application, whether consent is conferred or denied or conditionally granted, will be filed with the ethics and campaign disclosure board pursuant to 351—subrule 6.11(7). An official who receives a denial or conditional consent may appeal the ruling to the ethics and campaign disclosure board as provided in 351—subrule 6.11(6).

This rule is intended to implement Iowa Code chapter 68B.

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CHAPTER 12
IMPAIRED LICENSEE REVIEW COMMITTEES

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/14/29

193—12.1(272C) Impaired licensee review committee. Pursuant to the authority of Iowa Code section 272C.3(1)“k,” all the professional licensing boards as defined in 191—Chapter 1 may establish an impaired licensee review committee.

12.1(1) Definitions. The following definitions are applicable wherever such terminology is used in the rules regarding the impaired licensee review committee.

“*Committee*” means the impaired licensee review committee.

“*Contract*” means the written document establishing the terms for participation in the impaired licensee program prepared by the committee.

“*Impairment*” means an inability to practice with reasonable safety and skill as a result of alcohol or drug abuse, dependency, or addiction or any neuropsychological or physical disorder or disability.

“*Licensee*” means a person licensed under Iowa Code chapter 542, 542B, 543B, 543D, 544A, 544B, or 544C.

“*Self-report*” means the licensee’s providing written or oral notification to the board that the licensee has been or may be diagnosed as having an impairment prior to the board’s receiving a complaint or report alleging the same from a second party.

12.1(2) Purpose. The impaired licensee review committee evaluates, assists, monitors, and, as necessary, makes reports to the board on the recovery or rehabilitation of licensees who self-report impairments or who are referred to the committee by the board.

12.1(3) Composition of the committee. The chairperson of each board will appoint the members of the committee for that board. The membership of the committee includes, but is not limited to:

- a. One licensee, registered under the applicable Iowa Code chapter regulated by the board;
- b. One public member of the board;
- c. One or more licensed professionals with expertise in substance abuse/addiction treatment programs or other applicable impairment.

The board may, alternatively, contract with an established impaired licensee review committee of another board, inside or outside the department of inspections, appeals, and licensing, if deemed in the best interest of the licensee or the public.

12.1(4) Eligibility. To be eligible for participation in the impaired licensee recovery program, a licensee will need to meet all of the following criteria:

- a. The licensee needs to self-report an impairment or suspected impairment directly to the office of the board or be referred to the committee by the board;
- b. The licensee has not engaged in the unlawful diversion or distribution of controlled substances, or illegal substances;
- c. At the time of the self-report, the licensee has not been under board order for an impairment or any other violation of the laws and rules governing the practice of the profession, although the existence of such an order cannot prevent the board from making a referral when deemed in the best interest of the licensee and the public;
- d. The licensee has not caused harm or injury to a client;
- e. The licensee has not been subject to a civil or criminal sanction, or ordered to make reparations or remuneration by a government or regulatory authority of the United States, this or any other state or territory or foreign nation for actions that the committee determines to be serious infractions of the laws, administrative rules, or professional ethics related to the practice of the profession;
- f. The licensee has provided truthful information and fully cooperated with the board or committee.

12.1(5) Meetings. The committee will meet as necessary in order to review licensee compliance, develop consent agreements for new referrals, and determine eligibility for continued monitoring.

12.1(6) *Terms of participation.* A licensee will agree to comply with the terms for participation in the impaired licensee program established in a contract. Conditions placed upon the licensee and the duration of the monitoring period will be established by the committee and communicated to the licensee in writing.

12.1(7) *Noncompliance.* Failure to comply with the provisions of the agreement obligates the committee to make immediate referral of the matter to the board for the purpose of disciplinary action.

12.1(8) *Practice restrictions.* The committee may impose restrictions on the licensee's practice as a term of the contract until such time as the committee receives a report from an approved evaluator that the licensee is capable of practicing with reasonable safety and skill. As a condition of participating in the program, a licensee is obligated to agree to restricted practice in accordance with the terms specified in the contract. In the event that the licensee refuses to agree to or comply with the restrictions established in the contract, the committee will refer the licensee to the board for appropriate action.

12.1(9) *Limitations.* The committee establishes the terms and monitors a participant's compliance with the program specified in the contract. The committee is not responsible for participants who fail to comply with the terms of or successfully complete the impaired licensee program. Participation in the program under the auspices of the committee does not relieve the board of any duties and does not divest the board of any authority or jurisdiction otherwise provided. Any violation of the statutes or rules governing the practice of the licensee's profession by a participant will be referred to the board for appropriate action. A violation of a contract is a ground for licensee discipline.

12.1(10) *Confidentiality.* The committee is subject to the provisions governing confidentiality established in Iowa Code section 272C.6. Accordingly, information in the possession of the board or the committee about licensees in the program cannot be disclosed to the public. Participation in the impaired licensee program under the auspices of the committee is not a matter of public record.

This rule is intended to implement Iowa Code chapter 272C.

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CHAPTER 13
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded **ARC 8097C**, IAB 7/10/24, effective 8/14/24

CHAPTER 14
LICENSURE BY VERIFICATION OR WORK EXPERIENCE

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/14/29

193—14.1(272C) Definitions.

“*Board*” means an examining board or commission as defined in 193—Chapter 1.

“*Issuing jurisdiction*” means any state, commonwealth, or municipality; the District of Columbia; or other insular territory of the United States.

“*License*” or “*licensure*” means any license, registration, certificate, or permit that may be granted by an examining board or commission as defined in 193—Chapter 1.

[ARC 8098C, IAB 7/10/24, effective 8/14/24]

193—14.2(272C) Licensure by verification. Licensure by verification is available in accordance with the following:

14.2(1) Eligibility. A person may seek licensure by verification if the person is licensed in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa.

14.2(2) Board application. The applicant needs to submit the following:

- a. A completed application for licensure by verification.
- b. Payment of the application fee.
- c. Completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, if required for initial licensure by the board.
- d. A verification form completed by the licensing authority in the jurisdiction that issued the applicant’s license, verifying that the applicant’s license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form needs to be sent directly from the licensing authority to the board.
- e. A copy of the complete criminal record, if the applicant has a criminal history.
- f. A copy of relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.
- g. Copies of relevant laws setting forth the scope of practice in the other state.

14.2(3) Applicants with prior discipline. If another jurisdiction has taken disciplinary action against an applicant, the board will determine whether the cause for the disciplinary action has been corrected and the matter has been resolved. If the board determines the disciplinary matter has not been resolved, the board will neither issue a license nor deny the application for licensure until the matter is resolved. A person who has had a license revoked, or who has voluntarily surrendered a license, in another jurisdiction is ineligible for licensure by verification.

14.2(4) Applicants with pending licensing complaints or investigations. If an applicant is currently the subject of a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will neither issue a license nor deny the application for licensure until the complaint, allegation, or investigation is resolved.

14.2(5) Determination by board. The board will make the determination of whether to issue a license under this rule based on information supplied by the applicant in the application and on such additional information as the board may acquire, including information or verification from other jurisdictions.

[ARC 8098C, IAB 7/10/24, effective 8/14/24]

193—14.3(272C) Applicants with work experience in jurisdictions without licensure requirements.

14.3(1) Work experience. An applicant for initial licensure who has relocated to Iowa from another jurisdiction that did not need a professional license to practice in the profession may be considered to have met any educational and training requirements if the person has at least three years of work experience with a scope of practice substantially similar to that of the profession for which a license in Iowa is sought. The three years of work experience needs to be within the four years preceding the date of application for initial licensure. The applicant will need to satisfy all other requirements, including passing any required examinations, to receive a license.

14.3(2) Required documentation. An applicant who wishes to substitute work experience in lieu of satisfying applicable education or training requirements carries the burden of providing all of the following by submitting relevant documents as part of a completed license application:

- a. Proof of Iowa residency, which may include:
 - (1) Residential mortgage, lease, or rental agreement;
 - (2) Utility bill;
 - (3) Bank statement;
 - (4) Paycheck or pay stub;
 - (5) Property tax statement;
 - (6) A document issued by the federal or state government; or
 - (7) Any other board-approved document that reliably confirms Iowa residency.
- b. Proof of three or more years of work experience within the four years preceding the application for licensure, which may include:
 - (1) A letter from the applicant's prior employer documenting the dates of employment;
 - (2) Paychecks or pay stubs;
 - (3) If self-employed, business documents filed with the secretary of state; or
 - (4) Any other board-approved evidence of sufficient work experience.
- c. Proof that the work experience was in a practice with a scope of practice substantially similar to that for the license sought in Iowa, which includes:
 - (1) A written statement by the applicant detailing the scope of practice; and
 - (2) Business or marketing materials detailing the services provided.

[ARC 8098C, IAB 7/10/24, effective 8/14/24]

These rules are intended to implement Iowa Code chapter 272C.

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CHAPTER 15
USE OF CRIMINAL CONVICTIONS IN ELIGIBILITY DETERMINATIONS
AND INITIAL LICENSING DECISIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/14/29

193—15.1(272C) Definitions. For the purposes of these rules, the following definitions apply:

“*Complete criminal record*” includes the complaint and judgment of conviction for each offense of which the applicant has been convicted, regardless of whether the offense is classified as a felony or a misdemeanor, and regardless of the jurisdiction in which the offense occurred.

“*Conviction*” means a finding, plea, or verdict of guilt made or returned in a criminal proceeding, even if the adjudication of guilt is deferred, withheld, or not entered. “Conviction” includes Alford pleas and pleas of nolo contendere.

“*Disqualifying offense*” means a conviction directly related to the duties and responsibilities of the profession. A conviction is directly related to the duties and responsibilities of the profession if either (1) the actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession, or (2) the circumstances under which an offense was committed are circumstances customary to a licensed profession.

“*License*” means any license or registration issued by a board.

[ARC 8099C, IAB 7/10/24, effective 8/14/24]

193—15.2(272C) License application. Unless an applicant for licensure petitions the board for an eligibility determination pursuant to rule 193—15.3(272C), the applicant’s convictions will be reviewed when the board receives a completed license application.

15.2(1) An applicant will disclose all convictions on a license application. Failure to disclose all convictions is grounds for license denial or disciplinary action following license issuance.

15.2(2) An applicant with one or more convictions will submit the complete criminal record for each conviction and a personal statement regarding whether each conviction directly relates to the practice of the profession in order for the license application to be considered complete.

15.2(3) An applicant will submit as a part of the license application all evidence of rehabilitation that the applicant wishes to be considered by the board.

15.2(4) The board may deny a license if the applicant has a disqualifying offense unless the applicant demonstrates by clear and convincing evidence that the applicant is rehabilitated pursuant to Iowa Code section 272C.15.

15.2(5) An applicant with one or more disqualifying offenses who has been found rehabilitated will need to still satisfy all other requirements for licensure.

15.2(6) Any application fees paid will not be refunded if the license is denied.

[ARC 8099C, IAB 7/10/24, effective 8/14/24]

193—15.3(272C) Eligibility determination.

15.3(1) An individual who has not yet submitted a completed license application may petition the board for a determination of whether one or more of the individual’s convictions are disqualifying offenses that would render the individual ineligible for licensure. An individual with a conviction is not required to petition the board for an eligibility determination prior to applying for licensure.

15.3(2) To petition the board for an eligibility determination of whether one or more of the petitioner’s convictions are disqualifying offenses, a petitioner will submit all of the following:

- a. A completed petition for eligibility determination form;
- b. The complete criminal record for each of the petitioner’s convictions;
- c. A personal statement regarding whether each conviction directly relates to the duties and responsibilities of the profession and why the board should find the petitioner rehabilitated;
- d. All evidence of rehabilitation that the petitioner wishes to be considered by the board; and
- e. Payment of a nonrefundable fee of \$25.

[ARC 8099C, IAB 7/10/24, effective 8/14/24]

193—15.4(272C) Appeal. A petitioner deemed ineligible or an applicant denied a license because of a disqualifying offense may appeal the decision in the manner and time frame set forth in the board's written decision. A timely appeal will initiate a nondisciplinary contested case proceeding. The board's rules governing contested case proceedings will apply unless otherwise specified in this rule. If the petitioner or applicant fails to timely appeal, the board's written decision will become a final order.

15.4(1) An administrative law judge will serve as the presiding officer of the nondisciplinary contested case proceeding, unless the board elects to serve as the presiding officer. When an administrative law judge serves as the presiding officer, the decision rendered is a proposed decision.

15.4(2) The contested case hearing is closed to the public and the board's review of a proposed decision occurs in closed session.

15.4(3) The office of the attorney general will represent the board's initial ineligibility determination or license denial and will have the burden of proof to establish that the petitioner or applicant's convictions include at least one disqualifying offense. Upon satisfaction of this burden by a preponderance of the evidence by the office of the attorney general, the burden of proof will shift to the petitioner or applicant to establish rehabilitation by clear and convincing evidence.

15.4(4) A petitioner or applicant will need to appeal an ineligibility determination or license denial in order to exhaust administrative remedies. A petitioner or applicant may only seek judicial review of an ineligibility determination or license denial after the issuance of a final order following a contested case proceeding. Judicial review of the final order following a contested case proceeding will be in accordance with Iowa Code chapter 17A.

[ARC 8099C, IAB 7/10/24, effective 8/14/24]

193—15.5(272C) Future petitions or applications. If a final order determines a petitioner is ineligible, the petitioner may not submit a subsequent petition for eligibility determination or a license application prior to the date specified in the final order. If a final order denies a license application, the applicant may not submit a subsequent license application or a petition for eligibility determination prior to the date specified in the final order.

[ARC 8099C, IAB 7/10/24, effective 8/14/24]

These rules are intended to implement Iowa Code chapter 272C.

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