

PROFESSIONAL LICENSING AND REGULATION BUREAU[193]

Notice of Intended Action

**Proposing rulemaking related to organization and operation
and providing an opportunity for public comment**

The Professional Licensing and Regulation Bureau hereby proposes to rescind Chapter 1, “Organization and Operation,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 546.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 546.

Purpose and Summary

This proposed chapter provides basic information on the structure and function of the professional licensing boards, formerly part of the Banking Division/Professional Licensing Bureau. These professional licensing boards are now a part of the Department of Inspections, Appeals, and Licensing. The professional licensing boards are responsible for the licensing and regulation of the specified boards: Iowa 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.

The professional licensing boards are dedicated to the protection of the public through responsible regulations. To achieve this goal and to ensure citizens of the state receive professional, competent, and safe services, each professional licensing board:

- Adopts rules and establishes standards;
- Examines, licenses, certifies or issues permits or licenses to practitioners;
- Sets standards for license renewal and continuing education;
- Investigates all complaints filed and considered alleged violations of its practice or title act and Iowa regulations;
- Conducts disciplinary hearings; and
- Actively monitors the compliance of licensees with orders issued by the board.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on February 14, 2024. Comments should be directed to:

Lori SchraderBachar
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.725.9030
Email: lori.schraderbachar@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 13, 2024 11:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa Video call link: meet.google.com/zuu-vunu-dcc
February 14, 2024 11:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa Video call link: meet.google.com/zuu-vunu-dcc

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

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

CHAPTER 1
ORGANIZATION AND OPERATION

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 the real estate commission of the department of inspections, appeals, and licensing (hereinafter referred to as “professional licensing boards”).

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.

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.

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.

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.

193—1.6(546) Responsibilities of the administrator.

1.6(1) 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.

1.6(2) To carry out policy-making and enforcement duties assigned to the boards under the law.

1.6(3) 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.

1.6(4) To coordinate the development of an annual budget for the boards.

1.6(5) To supervise and direct personnel and other resources to accomplish duties assigned by law.

1.6(6) To authorize expenditures from any appropriation or fund established on behalf of the boards.

1.6(7) 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(8) Except to the extent otherwise vested in the boards, the administrator has the authority to establish fees assessed to the regulated industry.

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.

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.

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.

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.

These rules are intended to implement Iowa Code section 546.10.