

From: The Iowa Plumbing & Mechanical Systems Board

Date: March 29, 2021

Re: Temporary Administrative Rules Establishing Deadlines for the 2020 License Renewal Cycle

MEMORANDUM OF RULEMAKING

On March 29, 2021, the Iowa Plumbing and Mechanical Systems Board (the Board) voted to amend Chapter 28, “Plumbing and Mechanical Systems Board—Licensure Fees,” 641 Iowa Administrative Code, and specifically the existing emergency rule establishing deadlines licensees must meet when renewing their licenses during the 2020 renewal cycle.

Background and Legal Authority: Under Iowa Code section 105.9(7)(a), all licenses issued by the Board were to expire on June 30, 2020. Under Iowa Code sections 105.9(2) and 105.20(2), the Board sets renewal fees and deadlines by rule. The Board’s rules setting license fees and renewal fees are contained in 641 Iowa Administrative Code chapter 28. Iowa Code section 105.20(5)(b) also grants licensees a thirty-day grace period after expiration of the licensing term to complete all license renewal requirements without penalty.

However, the Board recognizes that the 2020 license renewal cycle is unlike previous licensing cycles. On March 9, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency throughout the State of Iowa in response to the COVID-19 global pandemic. The state of emergency has persisted since that time and the proclamation has been extended multiple times, most recently on March 5, 2021, and continues to be in effect through at least April 4, 2021.

That proclamation suspended some continuing education requirements and renewal deadlines, and directed programs to issue rules or guidance as needed. On behalf of the Board, the Licensing and Exam Committee and the CEU Committee previously issued guidance stating that all licensees could complete all required continuing education for the 2020 renewal cycle through computer-based education courses until June 30, 2020. The Board also acknowledged the closure of testing centers where applicants could take license exams and extended the time for applicants to pass the exam once testing centers began to reopen.

However, the emergency proclamation continues to suspend the expiration of licenses occurring during the duration of the emergency proclamation, and the proclamation can only be extended 30 days at a time. The Board recognizes that these 30-day extensions may cause confusion in light of the Board’s previously approved rules and that licensees may be experiencing continued financial difficulties and fewer work opportunities during the COVID-19 global pandemic. Therefore, the Board finds it is appropriate to afford licensees additional time in which to renew their licenses, and additional time before assessing late fees to prevent confusion during the 2020 renewal cycle only. All deadlines previously associated with the 2020 renewal cycle will be extended an additional two months as set forth in the amended rule.

Iowa Code section 29C.19 provides that any rule promulgated by a state agency during a declared disaster emergency is exempt from the rulemaking process of Iowa Code chapter 17A. Accordingly, the Board is hereby promulgating these rules in accordance with section 29C.19, in

light of the rules' direct relationship to the public health emergency and the urgent public interest in ensuring plumbing and mechanical professionals may continue to make a living.

Effective Date: Rule 641—28.3 is amended as follows, effective immediately.

641—28.3(105) Temporary renewal deadlines for 2020 renewal cycle. Notwithstanding rule 641—28.1(5), license renewal deadlines and fees for the 2020 renewal cycle are as follows:

28.3(1) All licenses expire June 30, 2020. The Board will not issue new license documents. However, the Board will consider licenses bearing an expiration date of June 30, 2020 to remain valid for practice until ~~May 1, 2021~~ July 1, 2021, as set forth in this rule 641—28.3. Beginning on ~~May 1, 2021~~ July 1, 2021, any license that has not been renewed is lapsed and is no longer valid for practice.

28.3(2) A licensee who does not timely renew on or before June 30, 2020 may reinstate and renew the license until and including ~~March 31, 2021~~ June 1, 2021, upon payment of the appropriate license renewal fee and without payment of a late fee.

28.3(3) A licensee who does not timely renew on or before ~~March 31, 2021~~ June 1, 2021, may reinstate and renew the license without examination until and including ~~April 30, 2021~~ June 30, 2021, upon payment of a \$60 late fee and the appropriate license renewal fee.

~~**28.3(4)** A licensee who does not timely renew on or before April 30, 2021, may reinstate and renew the license without examination until and including June 30, 2021, upon payment of a \$100 late fee and the appropriate license renewal fee. Reserved.~~

28.3(5) These renewal deadlines and fees apply only to the 2020 renewal cycle. Beginning on July 1, 2021, this rule shall no longer be effective.