

**Plumbing and Mechanical Systems Examining Board  
Continuing Education Committee Meeting Minutes  
August 11, 2009**

**Committee Members Present:**

Jane Hagedorn, Chairperson  
Thomas Day

**Committee Members Absent:**

Patricia Broerman

**Staff Attending:**

Cindy Houlson, Executive Officer  
Susan Van Horn, Program Planner  
Matt Oetker, Assistant Attorney General  
Mary Swinehart, Secretary 1

**Call to Order:**

Jane Hagedorn called to order at 2:00 pm.

**Approval of Minutes**

Tom moved to approve minutes from July 20, 2009 meeting with changes.

Jane seconded.

Minutes were approved.

**NATHAN COOPER CLASSES**

This was received in request to industry partners to look at forms and provide any feedback, they thought should be considered. He asked if we would consider waiving the 90-day preapproval requirement for a period of time because we are already six months into licensing. We have not had any CEU classes for this renewal phase.

**Question:** Are we setting precedence for waiving that 60-day time down the road?

**Response:** If it is just on the Information Sheet we have nothing to waive.

Technically we don't have the rules adopted.

**Comment:** On Information Concerning Continuing Education states: For courses to be accepted for continuing credits courses and instructors must have prior approval of the Board. Approved course must be delivered by approved instructors ..... Applications for course approval should be filed at least 60 days prior to the course date.

Chapter 30.3(1) says the course is Board approved.

**Response:** On the Informational Sheet the "should" language is more of an encouragement as opposed to a mandatory requirement which would have been evidenced through the use of the word "shall".

The basis for Nathan Cooper's request for a waiver from that period is because it is based on the same reasons we are going for an emergency adoption of Chapter 30 being that these people have had license now for half a year. There have not been

any programs pre-approved. I think perhaps it might be worth considering being more lenient on the 60-day period, at least toward the beginning of this process.

**Comment:** We discussed at the last meeting, applications will go through the Committee and when things slow down for staff and it is logical to have parameters in place then it can fall to the staff's responsibility. It will be held in Committee at least to start.

**Question:** How do we proceed?

**Response:** Rule 30 is written such that this Committee does not have the authority to approve the courses, only the Board has that authority. This Committee will present applications for Board approval at the monthly meeting or would the board could delegate that authority to this Committee to approve those matters?

**Question:** Our original intent was that this Committee would approve or disapprove a class then eventually staff would take over. Do you think the way it is written that down the road staff would not be able to approve them down the road?

**Response:** I think it would be a two step process. If it is proper for the Board to delegate that authority to approve CEUs to this Committee, then it would be proper for the Board to delegate the CEUs approval to staff once proper standards have been set forth.

**Question:** Is that something we should bring before the Board?

**Response:** Matt will check with his peers on this. Does believe the Board is going to have to delegate the power to this Committee. The other option if the Board does not wish to go that route we could get monthly recommendations from this Committee and bring recommendations to the Board. This would be a time intensive process to do it that way.

This could be presented under the CEU Committee report.

The Agenda has been posted on the list serve noting handouts will be made available when finalized.

## **APPLICATIONS:**

### **James Sohaack Application**

Nice job listing the qualifications. He has completion of the OSHA 500 which qualifies him to teach the thirty hour construction classes. Looks like he is qualified to teach anything with safety. What James submitted is exactly what we are looking for.

**Question:** Is OSHA 500 a standard?

**Response:** Anything safety related yes. If you have the OSHA 500 you are able to teach any of the required OSHA classes for the ten and thirty hour, which is what we are looking for.

**Comment:** Cindy will check to see if these type of courses must be repeated periodically.

**Question:** Would we have to return the application asking for information that is current?

**Response:** Find out the requirements and request clarification on that point.

**Question:** Would this individual be qualified if we strike the OSHA 500 completely?

**Response:** Has to be able to teach OSHA safety classes to be able to teach anything safety related.

**Comment:** That might be an item to place on the website. In order to be qualified to be a safety instructor must be OSHA 500 current.

**Comment:** The OSHA 500 would be indicative of the OSHA specific classes. There are other valid safety backgrounds. Usually there is a certificate that gives them the ability to be that trainer. Some union members will have union safety training.

**Comment:** If the OSHA 500 requires recertification, CPR and safety will have recertifications.

Make sure that instructors are trained in the area they will be teaching in and documentation that indicates current with continuing education, etc.

Leet's Refrigeration Application is for in-house safety training from a program that they pay for. The tailgate, toolbox type programs. Not necessarily having certified folks doing that. We may not accept that.

**Question:** If you put them all in combination would you consider the requirement met?

**Response:** No one that is having the safety talks has any safety training.

**Comment:** Would hate to deny because that safety is not good enough because we do not have the highest OSHA qualification on training as the person presenting it.

**Rule:** Our rules require that an approved program must be conducted by individuals with specialized education, training and experienced by which that individual would be considered qualified concerning the subject matter of the program.

**Comment:** Have some reservations about not allowing, might make more companies talk about safety in a real way if we did allow the packaged program. The package may not be wrong, but the instructor is not qualified. That is where it does not fit in our system.

**Definition** An hour of continuing education means at least 50 minutes spent by a licensee spent in actual attendance at and in completion of an approved continuing education activity.

**Comment:** In Chapter 30 there is not a requirement that an approved CEU course have an approved instructor with it. This is something the Committee decided would be best to address through practice, through our procedures this Committee is adopting. We may wish to have a more liberal interpretation of granting of instructors approvals or we may wish to re-address Chapter 30.

**Comment:** Information sheet is not Board approve, it is Committee approved. The Board will be approving the course itself, under the rules.

**Issue:** Denial of an instructor certificate. Concern that individual may challenge. Each denial will be a separate case to deal with. Would want Chapter 30 to be firmed up to allow for instructor approval before we start denying.

**Concern:** Concern that Chapter 30 is made so tight that would not allow any discretion. The CEU information states how we are going about that approval process. Do not feel need of changes to Chapter 30, there are individuals who have years of experience who might be well qualified to talk about servicing some aspect of equipment.

**Comment:** The Leets document was received early June and was meant as a prototype to look at.

**Question:** If an application came in like this, would the Committee lean toward denying the instructor? Chances are applications will come in like this.

**Response:** Yes.

**Comment:** Once we get information on the website stating real strongly that the tailgate, toolbox, shop talk safety meetings do not qualify for continuing education.

**Comment:** Don't have a problem with tailgate, toolbox, shop talk if they are put together at least an hour long and that the instructor has some kind of certificate that they have had some type of safety training.

**Comment:** Our rules require that an approved program must be conducted by individuals with specialized education, training and experienced by which that individual would be considered qualified concerning the subject matter of the program. Perhaps we should go back and see what changes should be made in Chapter 30. The rules do not require you to be able to teach, must just qualified concerning the subject matter. Need to spend some time with Chapter 30 to clarify some of these things.

**Question:** Was there any kind of test required after the training?

**Response:** Not a test but a certificate.

**Comment:** Believe we have OSHA trainers so there is an easy avenue to say this is our standard for training for instructors on safety. When we get to discipline there will be nothing like that. We will be looking at manufacturers reps that have the knowledge of the product, have gone to the manufacturers training. That will not be nearly as extensive as we are asking for safety.

**Comment:** Even though this gentleman has 35 years experience as a business owner, he doesn't have anything to show that he has actually taken any training. Back to discipline, manufacturers reps, I would hope that we have someone that is giving a seminar on troubleshooting of a gas valve that doesn't have any kind of something from a manufacturer that documents that they have completed some kind of class to show them how to troubleshoot a gas valve. Would not want to see a guy that says, I've been doing this for 35 years and this is how I do it.

**Question:** What about a college professor?

**Response:** Same thing, if he did not have something that indicates he has had some formal training on that gas valve, I wouldn't want him teaching.

**Comment:** Think it could be loose in that respect.

**Comment:** If we are looking at reviewing the instructors critically and in-depth feel we should go back to Chapter 30.

**Question:** Chapter was ready to be approved. Does this mean we would need to pull Chapter 30 from the Board Meeting?

**Response:** If an instructor is denied and seeks to challenge it, technically there is nothing in the rules that requires to have a preapproved instructor. If we want to get the rules right the first time, we are not going to want to adopt them. We will have to amend them anyway, because we have to deal with other things. Would like to have the process set right from the beginning.

**Question:** Don't believe 30.3.1 covers 2, 3, 4, 5?

**Response:** 30.3 is the standards for the program. For the program to be approved all the other things have to be met. There is nothing in the rules for the instructor to

be preapproved. We could also address the 50 minutes for one sitting, to address the shop talk issue.

**Comment:** I am concerned that we make it so tight that we are going to deny more courses and instructors than we approve.

**Comment:** Our role is not to govern the licensure of instructors. We just want to make sure, by the rules that have been drafted so far, has some sort of specialized knowledge of the topic he/she will be discussing.

**Question:** Should we focus on training rather than experience?

**Question:** Are these changes we can deal with today?

**Response:** We are just working through the instructor application and have realized all these questions. We may want to look at the course substances as well to see what additional issues may arise.

**Question:** At what point or latitude do we have to make decisions?

**Response:** Whatever decision you make on any action, if you contemplate what are the potential adverse parties to the situation and what sort of financial incentive do they have to challenge the board's action? This committee does have a certain amount of discretion over these matters. The Board is obligated to provide CEUs. There is no black and white line of how far do you go requiring for CEU approval. Our rules just state that you set the number of CEUs required for licensees to acquire. What we are doing by requiring pre-approval of a classes and instructors goes well beyond anything set forth in the code. The only way we are going to be told we have gone too far is for an individual or class to be denied and they have an incentive to challenge the board.

**Comment:** It is hard for me to believe that if we tell that the toolbox talk doesn't count they are going to challenge us.

**Comment:** Feel we should firm up that definition of one hour for continuing education that would be a nonissue. My concern is the denial of an instructor certificate.

**Comment:** Don't want to make Chapter 30 tighter, and there are individuals with 30 years of experience that might be well qualified to talk about servicing some aspect of equipment.

**Question:** How would you change the rules?

**Response:** Create a new section. Standards for Instructor approval. Then set for the standard for approving instructors. In my practice, we do not prequalify our instructors; it is done on the class basis.

There is no requirement that that instructor has the ability to teach or demonstrated they have a certificate.

**Comment:** Believe we have a big concern in the licensing. We have a lot of people licensed that should not be licensed. At least something comes back to make this a respectable trade is to make sure that they receive the proper education. Just to let anyone and any class be taught is going backwards.

**Comment:** My position is that if this is the path, you'd like to go down, I would advocate changing Rule 30 to more firmly recognize the Boards role in approving instructors and the criteria that the board will examine when trying to approve instructors.

**Comment:** If it takes an extra time before it is right, I would like it to be right.

**Comment:** Every other licensing board in the State of Iowa has had a grandfather clause. Constitutionally it has to happen that way. Can't deny a license to someone who has been practicing for 20 years without repercussions. Need to have those individuals, who have been active in the profession the ability to continue in the profession. The plumbing board is not unique. Seems to me that the issues have always centered on the grandfather clause. Would have been ideal for the General Assembly to say, perhaps all persons who get a state license have to take an exam, day one, put everyone on an even playing field. As a practical matter just can't do that.

**Comment:** Would still like to see some teeth in the instructor and the classes.

**Comment:** Agree, just didn't want to go back and write in Chapter 30, would like it be at our discretion based on what comes through and not make it so tight that we can't move.

**Comment:** If denial, have to have a basis for denial. If you would like to use discretion as you are granting these applications I think we are good to go as it is. If you envision a situation where this Committee may have to do a denial, we will need final Board action on that.

**Comment:** If we take what is on the table now, I think that I would tell Mr. Leeks he is not qualified to teach that class. We can get around that at this point in time because we can also say that our intention was that 50 minutes session for one hour of credit. We do not think that ten to fifteen minutes, four or five times will qualify for that one hour. That same situation under discipline rather than safety I might say that a person in business for 35 years, speaking about a focused, limited area of expertise of subject is more than qualified to teach that class.

**Comment:** We will receive an application just like this.

**Comment:** We will deny something somewhere, whether it is the course or the instructor.

**Comment:** We have the rules for this board to deny a course; we do not have the rules to deny an instructor.

**Comment:** Would deny the course based on the fact that it did not have a qualified instructor.

**Comment:** Could have a course approved, could have multiple instructors tied to that course. Now if we have five people that can teach a course and one of those five has no experience and shouldn't be teaching that, we don't want to kick that course out. We want to kick that one person out.

**Comment:** The way it is now, you would deny the course. It would be up to the applicant to determine whether they wanted to submit the four people.

**Comment:** The instructor is based on the context of the course. The procedures that this Committee has come up with are that we don't want to do it that way, we want to do it two separate ways, and we'd like to approve both the instructor and the course. The rules contemplate that we will have a one approval process. If we are going that way, we will need to redo the procedures. If we are going the two-prong approach, it makes sense to set forth the rules for the approval or disapproval of the instructor.

**Comment:** Under the current rules we do have a process to address the context of the class. There is a means by which we can accomplish this, but does not reflect the process this Committee has set forth.

**Comment:** Our procedures don't necessarily reflect what is set forth in the rules.

**Comment:** There are going to be times when we will deny training. So we have to change Chapter 30.

**Question:** How much discretion do you want in reviewing instructors? I think we could change 30.3(4)

to provide instructors who have prior approval and who have specialized training.....

While we are looking at this you should know that person can be qualified by training, education or experience. If try to deny based on experience, as long as they have experience on the subject matter, will strongly advocate against.

**Comment:** I am not in favor of taking that word "experience" out because experience might be all the qualifications they need on a focused subject. However I am going to look closely on the OSHA training in the area of safety. Experience in the area of safety is not as important as do they have the education and the training to be able to teach that subject.

**Comment:** The Board is not going to be the final determination as to whether someone is qualified or not, ultimately the courts are going to be. The courts are not going to have your experience and background when it looks at our rules. When you say you would focus on training when it comes to safety we need that in the rules.

**Comment:** Anyone that does any kind of class they should be able to prove that they have had some kind of training in that discipline. Would take the experience part out.

**Comment:** Then would need to identify what is considered specialized training.

**Comment:** Must have documentation to prove it was done.

**Comment:** We are going to need Board consensus on which way to go. Bring to the Boards attention and see which way the Board would like to move on it.

**Comment:** These rules were scheduled to go to the Board next week as an emergency.

**Comment:** With Board consensus they could go forward with that change.

**Recommend:** Bring version (in packet) to the board, identify what the concerns are raised in this Committee Meeting and see where that leads us. If leads to redrafting the rules, then we redraft the rules and bring to September's meeting. Assume we would still go emergency notice.

Have two issues – whether we want to make instructor approval a separate inquiry and whether or not we would like to focus on qualifications of an instructor.

### **Ben Engelking E-Class**

This is a P.R. power point showing how they would put a course together. Part 1 was how to sign up for the course and get started. Part 2 and 3 is a sample of what a course would look like. In terms of fitting it into our mode, There would not be an instructor so would approve the course only. Would want to see an exact course they were presenting to see that it qualified.

**Comment:** Accept the head master's credentials as the course instructor?

**Comment:** Depending on what his/her credentials are.

**Comment:** Headmaster vs. whoever created the course.

**Question:** Would instructor approval be required for E-Classes?

**Comment:** Just look at the course. Then 30.4 we could create an exception such as: In the case of an e-CEU the course need not be conducted by individuals who have specialized training .....

**Comment:** On form for e-classes asking for a course name and a training provider. Qualifications and resume of training designers.

**Comment:** As long as we can view the entire course with questions, making sure there is a sponsor

**Comment:** We have two standards. Might not need tied to an instructor if a legitimate course.

**EForm:** The first page is acceptable. 2<sup>nd</sup> page do we still want to see qualifications and resume of training designers? The form does not need to be changed in anyway.

We do need to deal with it in Chapter 30. Change the existing text to reflect the course approval for e-classes. Will insert in Chapter 30.4: This shall not apply to e-classes.....

This is all preliminary. If the Board approves the two-prong process we will have to address elsewhere.

If we can move on the Chapter 30 that exists will get ready to go to the Board next week.

**Next Meeting:**

August 17, 2009

September 1<sup>st</sup>. 2-4

**Adjourned 4:00**

Mary Swinehart