



Iowa Department of Public Health
 Promoting and Protecting the Health of Iowans

Mariannette Miller-Meeks, B.S.N., M.Ed., M.D.
 Director

Terry E. Branstad
 Governor

Kim Reynolds
 Lt. Governor

MEETING NOTICE AND AGENDA
Plumbing and Mechanical Systems Board

Board Members:

Jane Hagedorn
 Board Chair

Date: January 15, 2013
 Time: 9:00 A.M.
 Location: University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd.
 Ankeny, IA, Iowa Lab Facility Rooms 207 & 208

Mick Gage
 Vice Chair

Charles Thomas
 Secretary

Jim Cooper

Blas Hernandez

Ron Masters

Jenny Pitts

Sue Pleva

Ken Sharp

Rodney Schultz

Brita Van Horne

- Call to Order – Chair Jane Hagedorn
- Roll Call
- Approval of December 4, 2012 Minutes
- 2013 Board Meeting Schedule Jane Hagedorn
- Contractor Licensing Update Cindy Houlson
 Application questions - master of record issues
- Stakeholder Group Update Ken Sharp
- CEU Compliance Report Follow-up Ramona Cooper
- Felony/ Misdemeanor Guidelines Review Cindy Houlson
- Inactive License Compliance Review Cindy Houlson
- Committee Reports and Recommendations for Actions:
 - CEU Committee Jane Hagedorn, committee chair
 - Code Committee Mick Gage, committee chair
 - Discipline Committee Jane Hagedorn, committee chair
 - Testing and Exam Committee Chuck Thomas, committee chair
- Other Business
- Unlicensed Complaint Discussion
- Public Comment

- Waiver of Administrative Rules

1. 2012-122	Daniel Beachy	641-25	Status Update
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- Application Review
- Closed Session Discipline Review and Closed Session Deliberation

The Board will go into closed session to discuss complaints according to Iowa Code section 21.5(1) (d). In accordance with Iowa Code section 21.5, portions of the meeting, when confidential materials are reviewed, are held in closed session. The board may also hold closed sessions when it discusses whether to initiate disciplinary proceedings.

The Board will also go into closed session to discuss the decision to be rendered in a contested case according to Iowa Code section 21.5 (1) (f).

- Open Session
 - Finalize closed session actions for each discipline case.
 - Finalize closed session deliberation actions.
- Adjournment

(Note: Lunch may interrupt agenda – the agenda business will resume following lunch)

Next meeting scheduled March 19, 2013 University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd. Ankeny, IA, Iowa Lab Facility Rooms 207 & 208

Plumbing and Mechanical Systems Board Meeting
Tuesday, December 4, 2012
 Jessie Parker Building-Grant Room
 510 E. 12th St., Des Moines, IA



Call to Order – Vice Chair, Mick Gage called the meeting to order at 9:00 a.m.

Roll Call: Mick Gage, Blas Hernandez, Ken Sharp, Brita Van Horne, Jenny Pitts, Sue Pleva and Rod Schultz.

Staff: Cindy Houlson, Matt Oetker, September Lau, Susan VanHorn, Dan Hostetler, John Kelly and Mary Swinehart

Absent: Jim Cooper, Jane Hagedorn, Ron Master & Chuck Thomas

October 16, 2012 Minutes

Brita Van Horne made a motion to approve October 16, 2012 minutes. Motion seconded by Sue Pleva. Motion carried unanimously.

Update Board Meeting Schedule Mick Gage

The Board agreed to holding meetings every other month starting with the January 15, 2013 meeting. Committees will continue to meet monthly keeping the same established pattern. An emergency meeting can be held should there be a need.

Implementing Contractor Licensing-Roll Out Cindy Houlson

Cindy Houlson presented a status update on contractor licensing. From November 7 through November 28, 2012 there were 146 applications received. Ramona Cooper compiled a report indicating what type of information was not included with each application, preventing applications from being processed. An outstanding question for the board's attention is: Is \$500,000 liability insurance required aggregate amount or per occurrence? Board members agreed it should be per occurrence.

Sue Pleva made a motion that contractor liability insurance requires \$500,000 per occurrence. Brita Van Horne seconded the motion. Motion carried unanimously.

Mick Gage also mentioned our system can only accommodate one master per trade, per contractor.

Stakeholder Groups Update Ken Sharp

Ken Sharp reported that there are two stakeholder groups. The first one was established in April, 2012 to look at restructuring of Chapter 105. In September the executive order 80 came out that created stakeholder rule review groups, coming out of the governor's office. A stakeholder group was formed from Executive Order 80 to review and provide recommendations on Chapters 28 and 29.

The original stakeholder committee postponed their work until after the November elections to determine what impact election outcomes might have on legislative efforts. This group is still interested in working on legislation and has agreed to have the industry take the lead in introducing legislation. The key aspects of this legislation will reduce the maximum number of trade licenses from four to two; better aligning the license types with the respective trade codes and industry practices; and to better align industry practices with licensing and exam requirements.

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Names of individuals received (7 or 8) for the executive order 80 stakeholder group have been submitted. Those names were sent to the governor's office around the first of October and we are waiting to hear from the governor's office on who makes the final appointments. We would expect that would occur before the first of the year. As soon as we learn more we will let you know. I would anticipate that this stakeholder group will not have any recommendations that would be likely eligible for discussion at the 2013 session. Perhaps during the next four to six months we could anticipate some input regarding our rules, and then we would have to take a look as to whether those rule recommendations would be dependent upon statutorily changes that would require legislation.

Mick: what can we tell people that have not had a license before and state they are getting nothing for it?

Ken: When they call our office we share with them that the board is sharing some of their frustrations and our recommendation is that they need to, as with anyone that has concerns about statutorily restrictions or limitations, speak with their respective legislator to express their concerns and desires.

CEU Compliance Report Ramona Cooper

Ramona Cooper presented a report of the CEU Compliance Review. 5% of licensees that renewed their license in 2011 were reviewed. There was no significant falsification identified as a result of this review.

We don't see wide abuse of the CEU program.

Based upon this review is there anything we can do to avoid these challenges in the future?

Ramona commented that there are licensees are not aware that they need to maintain their CEUs. Some licensees are under the impression that as the roster is sent into us that we are keeping track of their individual CEUs.

IDPH staff asked if the board is satisfied with 5% review that is very consistent with other board we oversee. Data indicates we do not have wide falsification.

Mick Gage would like to bring this back to the January meeting as there are four members not present for this meeting.

The entire present board felt it would be a good idea from an awareness standpoint to do a mailer or a report to all licensees to say we have completed our first round of compliance review and here are three most common problems noted and how they can avoid those problems in the future.

Ken asked that a draft be compiled that could be distributed to licensees for review by the board at the January meeting.

Committee Reports and Recommendations for Actions:

Administrative Rules Committee Brita Van Horne, Chair

Adopted Rules published in November 14, 2012 Iowa Administrative Bulletin, effective December 19, 2012

IAC 641 Chapter 36 Iowa Plumbing and Mechanical Systems Board – Petitions for Rule

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- Making
 - IAC 641 Chapter 57 Iowa Plumbing and Mechanical Systems Board – Declaratory Orders
 - IAC 641 Chapter 58 Iowa Plumbing and Mechanical Systems Board – Agency Procedure for Rule Making
 - IAC 641 Chapter 59 Iowa Plumbing and Mechanical Systems Board – Fair Information Practices and Public Records
 - IAC 641 Chapter 60 Iowa Plumbing and Mechanical Systems Board – Noncompliance Regarding Child Support, Loan Repayment and Nonpayment of State Debt

The board took action to adopt these rules, they will be reviewed at the Administrative Rules Review Committee on December 11 (no concerns are anticipated). The rules will become effective December 19, 2012, as long as there are no concerns from the ARRC.

Application and Fees Committee

In Jane Hagedorn's absence Mick Gage reported.

This committee discussed IAC 641 Chapter 28 Iowa Plumbing and Mechanical Systems Board – Licensure Fees placed on hold.

Continuing Education Committee

Mick Gage reported this committee continues to meet, reviewing applications for instructors and classes. This month there were 65 classes and instructors reviewed.

Chapter 29 Committee

Mick Gage reported a meeting was held online to discuss an application for a technician specialty license. This committee felt the criteria was met and recommended approval. The board agreed with the committee recommendation.

Jenny Pitts made a motion to accept this application for a technician specialty license. Sue Pleva seconded the motion. Motion was unanimously approved

Code Committee Mick Gage, Chair

Mick Gage, Code Committee chair reported this committee met yesterday to discuss the process of adopting the 2012 UPC Code. Next month we will be moving forward for adoption. We plan to keep the same amendments; section numbers may change so may need to reprint. Brita Van Horne will assure numbers are aligned. Code is not significantly different.

Discipline Committee

Items will be discussed later in closed session

Testing and Exam Committee

In Chuck Thomas' absence Mick Gage reported this committee is working on a RFP draft.

Ken Sharp reported that he and a representative from Prometric have been exchanging voice mails. Regardless where the conversations end up with our current vender – we have full discretion to move forward with a RFP. The present contract expires June 30, 2013 and we are not obligated to renew this contract.

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Through the RFP process specific concerns from the board can be placed in the RFP that spell out more detailed expectations in terms of response times, providing us work plans in response for requests for changes, details and timelines. We hope to have that RFP posted in January or February and then look to transitioning to a new better contract with Prometric or then having conversations transitioning to another vendor.

With the 105 rewrite project would there be an impact on how the RFP is written? There is certainly the possibility. If I recall the board is interested in going back to the standard tests Prometric already has available. With the intent of the changes for 105 to get the statutory language more consistent with how the industry practices and in terms of the codes, as well as how the trades are broken out in terms of licensing that may actually make it a simpler process to have better alignment if in fact there is legislation that comes out that does that type of restructuring.

Other Business

Unlicensed Complaint Discussion

Table till after closed session.

Public Comment

Jason Shank: At the last meeting I brought up an individual that holds a license and was told you would check on that and have not heard anything.

Ken Sharp responded: because of what you raised we are treating that as a confidential investigation. That individual does hold a license with us; we are looking at how the license was obtained. Because of that process we have to treat it confidentially until anything would come out of that. At this point we cannot discuss it any further other than we consider it a complaint and we are looking into it.

Mike Minnick: We still have an issue of the state adopting a mechanical code.

Ken Sharp responded: I would encourage you to take that back through the interest groups and raise that as part of their discussion of the legislative package they are pushing.

Waiver of Administrative Rules

Daniel Beachy 2012-122 641-25

John Kelly reported the Department of Inspections and Appeals referred to the PMB an establishment seeking a food service license through DIA. While DIA was conducting an inspection on the establishment concerns were noted about the toilet and other plumbing. Pictures from DIA are included for board review. The toilet was constructed by the owner and was made out of concrete and wood. John went through the code and listed 9-10 things that are in the code that appear to be in conflict with the installation of the toilet. Things such as: it is not a listed fixture, smooth and impervious surfaces, water consumption per flush, walls of the fixtures, backflow protection, and a trap associated with the air vent.

The owners have submitted a waiver. The facility is Amish owned and the owner states a water closet is in violation of their faith as it is considered a luxury. The waiver did not address all the code concerns that have been identified and shared with the owner. There also appears an issue with the water heater based on a review of the photos included.

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The waiver addresses the toilet, however due to the pictures there may be many other concerns. Mick Gage suggested a site visit.

John Kelley will check with DIA to see if we could tag along to provide assistance to address deficiencies in the plumbing code.

It is difficult to communicate with the individual who submitted the waiver as they have no modern conveniences, no phone, etc.

The board agreed to hold on this waiver until we have opportunity to communicate in person with the facility owner. The board feels a face to face meeting with the owner to provide education and to let them know the board has significant concerns will help the owner understand the health concerns and will work with the owner to try to find alternative solutions.

Ken Sharp will speak to the representative from DIA. We can offer assistance in clarifying the plumbing code, however DIA ultimately makes the decision as to whether they open or not.

Closed Session Discipline Review and Closed Session Deliberation

At 10:12 Brita Van Horn made a motion, seconded by Sue Pleva to go into closed session to discuss complaints according to Iowa Code section 21.5(1(d)).

Open Session

Ken Sharp made a motion to close:

PM20120056

PM20129999

PM20120055

PM20100008

Motion to accept Statement of Charges as drafted for PM20120064 made by Ken Sharp, seconded by Brita Van Horne. Motion passed unanimously.

Motion to accept notice of intent as drafted for PM20120032A was made by Brita Van Horne and seconded by Ken Sharp. Motion passed unanimously.

Several applications for licensure were reviewed by the Discipline Committee and their recommendation was to approve the applications for apprenticeship. The Discipline Committee asked that the following cases be brought before the board to apprise them of these actions.

PM20120080 Due to his criminal record, the Committee felt that this individual be issued a license and a letter be drafted indicating that when he applies for a journey license that his application will be reviewed again and should there be additional criminal activities a license could be denied or conditions placed upon such a license. At this point the committee did not want to deny him an apprentice license or impose any conditions, they wished to reserve that until he applied for a journey person licensure. September is working on that letter and will present it to the board before sending.

PM20120080 and PM20120086 are both similar situations and the Committee agreed to

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issue them apprentice licenses and reviewed again when they apply for a journey license.

Mick Gage asked if a licensee requests his license be placed inactive, should that trigger an audit if they initially acquired their license with experience during the waiver period. The group agreed this should be an agenda item for the next meeting.

At 11:38 Ken Sharp made a motion to adjourn. Brita Van Horne seconded. Motion passed unanimously.

Next meeting is scheduled for Tuesday, January 15, 2012

Notice of Public Meetings with tentative agenda will be posted a minimum of 24 hours prior to the scheduled meeting. Meetings begin at 9:00 AM and unless otherwise noted will be held at the:

University Hygienic Laboratory
DMACC, 2220 S. Ankeny Blvd.
Ankeny, IA
Iowa Lab Facility Rooms 207 & 208

- January 15, 2013 University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd.
Ankeny, IA, Iowa Lab Facility Rooms 207 & 208
- March 19, 2013 University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd.
Ankeny, IA, Iowa Lab Facility Rooms 207 & 208
- May 21, 2013 University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd.
Ankeny, IA, Iowa Lab Facility Rooms 207 & 208
- July 16, 2013 University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd.
Ankeny, IA, Iowa Lab Facility Rooms 207 & 208
- September 17, 2013 University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd.
Ankeny, IA, Iowa Lab Facility Rooms 207 & 208
- November 19, 2013 Grimes State Office Building, 400 E. 14th St., Des Moines, IA
Basement Room B50

February 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Dial In: 1(866) 685-1580 Code: #0009991700					1	2
3	4	5	6	7	8	9
10	11	12	13	14 Valentine's Day ARC TBD Chapter 29 TBD	15	16
17	18 Committee Meetings Lucas, Room 518 Presidents' Day Code TBD Discipline TBD CEU TBD Chairs TBD Testing TBD	19	20	21	22	23
24	25	26	27	28		

March 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Dial In: 1(866) 685-1580 Code: #0009991700					1	2
3	4	5	6	7	8	9
10	11	12	13	14 ARC TBD Chapter 29 TBD	15	16
17	18 Committee Meetings Lucas, Room 518 Code TBD Discipline TBD CEU TBD Chairs TBD Testing TBD	19 Board Meeting 9am University Hygienic Lab-DMACC Rooms 207 & 208	20 Hearings University Hygienic Lab-DMACC, Rooms 207&208	21	22	23
24	25	26	27	28	29 Good Friday	30
31 Easter Sunday						



Mariannette Miller-Meeks, B.S.N., M.Ed., M.D.
Director

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

February 1, 2013

Board Members:

Jane Hagedorn
Board Chair

Name of Licensee
Address Line 1
Address Line 2
City, State Zip Code

Mick Gage
Vice Chair

Dear Name of Licensee:

Charles Thomas
Secretary

The Iowa Plumbing and Mechanical Systems Board office has completed the 2011 compliance review. For this review the department randomly selected 5% of licenses renewing during the calendar year of 2011.

Jim Cooper

The Board was pleased with the results of the review. However the three common renewal errors were:

Blas Hernandez

- Personal or business contact information was invalid.(i.e. name, address, email address, phone number, etc.).
- An incorrect course date or CEU number was provided on the renewal form.
- Instructor failed to provide a course roster to the department.

Ron Masters

In order to avoid future renewal errors you can help by:

Jenny Pitts

- Notifying the Board of any change of address or contact information by accessing the Address Change form at <http://www.idph.state.ia.us/PMSB> or mailing written notice to the Board at the address below.
- Maintaining your CEU completion certificates in order to have accurate course dates and numbers.
- Confirming with your CEU provider that rosters are being submitted to the Board for each course you attend.

Sue Pleva

The Iowa Plumbing and Mechanical Systems Board will continue to conduct compliance reviews on an annual basis. We would like to ask for your assistance in eliminating these errors.

Rodney Schultz

If you have additional questions or comments, please feel free to contact us at (866) 280-1521 or by email at pmsb@idph.iowa.gov.

Ken Sharp

Sincerely,

Brita Van Home

Cindy Houlson
Executive Director
Iowa Plumbing & Mechanical Systems Board

Felony/Misdemeanor Guidelines

1. The committee identified priority areas of concern, they are as follows:
 - a. Felonies/misdemeanors directly related to the profession.
 - b. Felonies/misdemeanors occurring within five years of application for licensure.
 - c. Felonies/misdemeanors that include incarceration or bodily harm to a victim.

2. The committee then identified "automatic licensure approval" guidance For the office staff to use for reviewing felonies, those are as follows:
 - a. All OWIs or simple possession of a controlled substance convictions will be approved for licensure.
 - b. All felonies/misdemeanors that do not include incarceration or did not include bodily harm to a victim that occurred more than five years ago will be approved for licensure.

3. All applications that need further review under Item 1 above will be conducted by IDPH staff with consultation from the AAG. The office and AAG will have discretion to make decisions regarding licensure and only extreme cases would be brought to the board. The board will receive regular reports from the office that summarize the felony reviews.