

Plumbing and Mechanical Systems Board Meeting August 18, 2009

Committee Members Present:

Ron Masters
Jane Hagedorn
Chuck Thomas
Stuart Crine
Micky Gage
Dennis Molden
Tom Day
Susan Salsman
Ken Sharp

Committee Members Absent:

Patty Broerman
Carol Crane

Staff Attending:

Cindy Houlson
Susan Van Horn
Wendy Zimmerman
Stephanie Underwood
Matt Oetker
Mary Swinehart

Call to Order:

Ron Masters called to order at 9:00 a.m.

APPROVAL OF MINUTES

July 21, 2009 Minutes

Jane made a motion to approve with changes
Ken seconded
All in favor

July 29th Minutes

Chuck made motion to approve with changes
Jane seconded
All in favor

Introduction of Stephanie Underwood a temporary worker who has joined the staff. She is working full time for 780 hours. Stephanie has been with us for two weeks. She does data entry on the paper applications, helps with numerous tasks in the office including printing and mailing the new licenses. Stephanie has previous work experience with a plumbing company.

COMMITTEE REPORTS AND RECOMMENDATIONS FOR ACTIONS

ADMINISTRATIVE RULES COMMITTEE Sue Salsman Chair

CHAPTER 30 CONTINUING EDUCATION FOR PLUMBING AND MECHANICAL SYSTEMS PROFESSIONALS

The CEU committee presented the intent of the rule:

- a. review of instructors and their credentials. Standards that the board would approve need to be developed.
- b. delegate to the CEU Committee review and approval of instructors and classes, due to the high volume of applications that must be approved by the Board. Applications that are recognized as a chance of denial will be presented to the Board.

This chapter was previously adopted but not filed. In the previous public hearing, e-classes were added.

The CEU Committee would like instructors to be well qualified. Some committee members felt the word “experience” should be removed and concentrate on education and training in the instructor qualifications.

QUESTION: Page 3 30.3(6)b Number of program contact hours. Should we put under our definitions Continuing Education means at least 50 contact minutes to tie the two together. The word “contact” is not in the definition.

RESPONSE: There is an inconsistent use of terminology, the information is all there. In the definitions we define hour of education. In 30.3(6)b we have not defined contact hours, but implied that a contact hour is an hour of continuing education.

RESPONSE: We should stay consistent with the definition, so the word “contact” should be replaced to read “hours of continuing education” which is defined.

All agreed the change from “*contact hours*” to “*hours of continuing education*” will be made.

CEU AUDIT

QUESTION: In Chapter 30 audit means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time. With continuing education we were looking at licensees, the program themselves that are being submitted and the instructors that would be presenting those programs. Would it be good practices to have the language accommodate the ability to audit any of these options?

RESPONSE: During discussion about the instruction part that goes along with this chapter we spoke about Board members being able to audit a course by attending. Does it need to be in the rule?

RESPONSE: The CEU audit is in the context of the licensees when applying for renewal, it is the reviewing of their license renewal application. The Board has taken action to approve or deny that application. Once course and instructor are approved it is not an audit. CEU audit is covered in the working documents for review of courses and/or instructors conducted by the CEU Committee.

QUESTION: Has title been changed to reflect change from *Plumbing Systems and Mechanical Examining Board* to *Plumbing and Mechanical Systems Board*.

RESPONSE: Yes, change has been made.

CONCERN: The CEU Committee would like to work through the section to address standards of instructors at this meeting allowing us to move forward.

ISSUE: What is the Boards position on reviewing CEUs? According to Statute the Board is suppose to approve the minimum qualifications for CEU courses. There is a process in the rules to approve the CEU courses. That CEU course approval requires the instructor qualification be based on knowledge of the subject matter. That knowledge can be acquired with experience, training or education.

The board is being asked if that is sufficient or is an independent review into the qualification of the instructor separate and apart from that of the course needed. If the board is affirmative on this issue then the question becomes what should the standards be for the instructor evaluation?

BACKGROUND ON COMMITTEE: Our assumption was we were going to preapprove a course and the instructor for that course.

RESPONSE: 30.3(4) speaks to the instructors qualifications: "That the course is conducted by individuals that have specialized education, training or experience

If the board is going to set standards for instructors, a separate section is needed to set forth the criteria the board would use to evaluate the instructors to teach particular subject matter.

COMMENT: E-classes are a stand alone, as there would be no preapproval of an instructor.

COMMENT: According to the boards rule approval is for an e-class conducted by a company.

REQUEST FOR ACTION: To save time at Board meetings and to prevent slow down of the approval process, we are asking the board to delegate approval authority for courses and instructors to the CEU committee.

COMMENT: Criteria should be simple and to the point.

COMMENT: Draft instructor and course preapproval forms, distributed at the last meeting, are the outline for what we are looking for.

ACTION: There is quite a bit of work yet to do on this chapter. Even though it is another months delay recommendation was made to table this action. Request CEU Committee to work out and bring to next months board meeting.

COMMENT: There is no language written for preapproval of instructors. We are requesting board input on which way the board would like us to go? Can the preapproval process be redefined to include instructor preapproval or leave as is to preapprove the course?

QUESTION: What is the criteria that had to be completed on the part of the instructor for the application for CEU approval?

RESPONSE: The criteria is on the draft instructor preapproval form.

QUESTION: Based upon information requested on the instructor application is there enough information to qualify or disqualify an instructor?

RESPONSE: There is enough information. However, The CEU Committee does not have the authority to make the call.

COMMENT: When the board delegates the approval process to the CEU Committee, the final decision on rejection remains with the board. There are certain appeal rights the applicant must have. A contested case provides the frame work for appeal.

QUESTION: Is it the board consensus that a lengthy preapproval process related to instructors be conducted?

RESPONSE: The question of experience in qualifications needs to be addressed.

RESPONSE: That is the language in the instructor application and 30.3 (4). Chapter 30 that came as part of the board documents, we have some new language in there. We are recommending removing the word *experience* and adding *board approval*.

QUESTION: The language refers to specialized education or training, would there be an instructor that does not have specialized education or training to provide a CEU course?

RESPONSE: We would like to make sure when a manufacturer's rep would like to instruct regarding a new product or process, that they have had the training directly from the manufacturer.

QUESTION: The CEU Committee was asked "is it your expectation that all training be provided by a person with specialized training or education?"

RESPONSE: We are seeking input from the board "is it important to have specialized training and education in all of our CEU providers?"

CONCERN The Draft instructor and course preapproval forms provide all the information needed, our concern is we do not have the rules to back them up.

RESPONSE: The CEU Committee reached a point where qualifications for instructors were needed, then realized there are no provisions in the rules to allow denial of an instructor.

QUESTION: It is going to come down to committee members experience to provide preapproval.
How much discretion can be given to the Committee to make these decisions?

REQUESTED ACTION: The CEU Committee is requesting the board approve delegation of authority to the committee to approve instructors and courses. If there is potential of denial of application, that application will be presented to the board for final decision.

ISSUE: Setting standards may create hardship for rural communities.

CONCERN: Instructors must have documentation of their qualifications. Experience may demonstrate that a person has been doing a procedure for many years, but may not be doing it properly and may not be able to teach others.

ISSUE: The CEU committee would like the individuals to have the skills to communicate information to others. .

Comment: Train the trainer is an industry standard for qualified providers for all four disciplines. Every manufacturer has training.

CEU Committee is strongly supportive of preapproval for instructors. Chapter 30 does not reflect any standards for preapproval of instructors.

ELECTRIC BOARD: This is the verbiage from the Electric Licensing Board: An instructor's background must be directly related to the national electric code or electric trade. Instructor experience must be verified by letters of verification from at least three educational institutions. State, city or county entities requiring such instruction or other groups directly associated with updating knowledge of the electrical code. List any other experience that qualifies you for the course listed.

RESPONSE: The Electric Licensing Board information was used to create the draft instructor and course preapproval forms. There were few changes, one being removal of "*letters of verification from at least three educational institutions*".

STATUTE: This is pushing the envelope of what the power and authority this board has. The board approval of competency of our licensees and also the competency of an instructor is beyond 105. This could mean a lot of administrative work on the part of denials with limited resources.

COMMENT: The board does not have the authority to deny an instructor. The Board does have the authority to deny a course an instructor is applying for. As the rules are written, an individual has to demonstrate knowledge of the topic. After the committee makes the decision, it must be brought to the board. If full board agrees to deny it, that person would have the opportunity to litigate a contested case with the board.

COMMENT: Advantage of the instructor review is to screen out the unqualified. How we define that and are consistent from one to the next is the question.

COMMENT: The rules can be written to address the minimum standards for preapproval of instructors.

CONSENSUS: There is not a consensus around the experience issue.

SUGGESTION: Different standards could be written for the discipline portion of CEUs from those for safety and code. Two different sets of qualifications could be drafted. Qualifications could be standards that are uniform using the course outline and the individual's qualifications. Discipline has different criteria than safety and code. Courses on code and safety would require specialized education and training. Discipline related training may include specialized education and training but experience may also be considered.

Motion made by Ken to table Chapter 30 for this month. The CEU Committee will re-present in September with revised rules to address modifications.

Motion seconded by Denny

All in favor

APPLICATION & FEES COMMITTEE Jane Hagedorn, chair

Chapter 28 - The App & Fees Committee has done as much as can be done with Chapter 28 until further along with contractor definition and input from the Rules Committee on combined license. Next meeting has been scheduled for Sept. 15th prior to the next board meeting to begin reviewing on-line applications and changes for that renewal contract. We would like to be ready and up to date by January 1.

Volunteer request: The Applications & Fees Committee and the CEU Committee are requesting additional board members who are willing to work on one of those committees. Applications & Fees has four members now, an additional member or an alternate would be helpful. This committee typically meets the day before the board meeting at 2 p.m. CEU Committee has three members; two additional members would be helpful. This Committee usually meets via conference call on Tuesday or Wednesday at 2 p.m. Staff has to be at all committee meetings so we have to be mindful of their schedules as well. Jane will be checking with members to see if another time or date would allow better attendance.

COMMENT: Denny volunteered to join the Applications & Fees Committee.

COMMENT: If anyone would like to act as alternate, please let Jane know.

CEU COMMITTEE Jane Hagedorn, chair

Is it the board's wishes to delegate authority to approve courses and instructors to the CEU Committee?

RESPONSE: This issue will be presented, along with the rule next month.

PLUMBING CODE COMMITTEE Tom Day, chair

Mike Magnant presented at our first meeting. He shared his experience as having been instrumental with the codes for many years. He helped us along so we were not reinventing the wheel.

We will be reviewing requested information from IAPMO and International Code. Each group was requested to submit information to the Committee why they thought their code should be the one for the state of Iowa to use.

MED GAS COMMITTEE Chuck Thomas, chair

A company has requested to be recognized as equivalent to NITC and others who have been approved by the board. That information came in yesterday afternoon and will be distributed to each members of the Med Gas Committee for review. Email any concerns to Cindy. Provided they meet the qualifications, they will be presented at the next board meeting. We have many pending applications for Med Gas.

TESTING AND CREDENTIALS COMMITTEE Charles Thomas, chair

The Board reviewed with Prometrics the four disciplines. There were not enough questions to form a test for the hydronics group. Jane and Sue volunteered to review the hydronics questions on September 2. .

AGREEMENT: Met with Prometrics and they agreed to conduct the testing as we requested. This will not happen over night as we will need to pick a lot more test questions. We have enough questions to get started, they are going forward and the dates they gave us were late October, early November.

BUDGET REPORT Ken Sharp

Budget reports are indicating almost double what was projected last month. We are still trying to get our arms around how the revenue is coming in. There was an over billing error for software expenses totaling over \$16,000. That money has been reimbursed and deposited to the account which does not reflect in this report. Following review of expenses, we will have a much better idea of what our revenues were. Early September we can make some recommendations in terms of costs for fees. Our department director is supportive of moving forward identifying additional staffing needs. Discussions last month were about investigators. We do have the approval to look at how many investigators we need. We would start with one and assess what the need is after that time. If we still have the demand we can add staff as necessary.

CONCERN: Have you obtained any additional information on the possibility of the office moving off site?

RESPONSE: We have looking at what existing properties are available to meet our staffing and space needs. Projecting staff needs in the plumbing office alone would be 10-15 spaces long term. When we were required to go through the RFP process in the past it took six to twelve months to finalize. To get the building ready, software and internet connections linked to the state system is a very lengthy process. Mercy Capitol will be opening up this fall, there will be some basic renovations and scheduled to be open sometime in April. The cost will be much less as a state agency within our own system.

Another unknown variable is what impact on revenues will result with the different license types. Several meetings have been scheduled with industry partners who will be affected by the special restricted licenses and the geothermal license. Their sharing of their thoughts on what they think would be number of licensees will help us adjust fees for those special licenses.

Based upon the current number of master licenses issued, what is an appropriate number of contractor licenses to issue?

FELONY REPORT Cindy Houlson

There were eleven individuals who listed OWI in their application and seven indicating possession of drugs in their work history. Cindy asked the board members, due to the reduced number of “felonies”, could this report be presented to the board quarterly?

The board members agreed on quarterly felony reports, unless something unusual presents.

LICENSING REFUND REQUESTS Susan Van Horn

There was \$3,275 in refunds.

- \$2,250 was approved at the last board meeting.
- \$ 325 overpayment in paper application fees
- \$ 700 software request

The Morell Company had paid an advance for an applicant who did not continue his employment at Morell. Request the \$400 paid for his licensing be refunded. The Board denied that request.

POLICY UPDATES/REVIEW Cindy Houlson

We have changed the process for individuals who walk in and need assistance. An appointment time was established from 11:00 to 1:p.m. when there were large volumes of walk-ins. We have experienced a reduction in those numbers. Now when an applicant presents to the receptionists, the receptionist calls and Mary now goes up, handles questions, and takes applications. If questions that need assistance Mary seeks out staff for assistance. We are trying to meet the customer’s needs. As we get closer to December, should we experience an influx

similar to June and July we may have to go back to that limited time frame. Cindy continues to make individual appointments when requested.

IOWA INTERACTIVE SOFTWARE UP-DATE Susan Van Horn

Time has been spent working on the overcharging problem. We have had a programmer change, in a learning curve for about the last ten days. They are unable to continue working on the testing portion and getting the connections until we get some questions answered.

Numbers of license holders were incorrectly reported last month that number included those with zero licenses (duplicate accounts or someone who set up an account and later paid on paper). Active license holders as of July 14 was 7,903 Active license holders as of August 18 is 9,200

Types of licenses issued

Total licenses issued as if August 13 is 17,366

8,563 masters

8,181 journeypersons

461 apprentice

161 med gas

146 pending on-line applications

961 pending paper applications as of June 23

Volume of applications coming in has decreased. Paper applications are averaging ten to fifteen a day. On line applications are averaging fifteen to twenty per day.

QUESTION: Is it possible to get a report with numbers of masters and journey person licensed by area?

RESPONSE: A search can be made on LicensedinIowa by master or journey. Result will be alphabetized list by city but it will not break out a particular city. A request for a query for you can be made. That is something Iowa Interactive thought had been worked out, it is in the process.

COMMENT: There are a number of queries we are interested in running on a regular basis that is yet to be developed with Iowa Interactive.

COMMENT: Computer information is made in real time. Any changes we make are made at that moment.

OTHER BUSINES

Dissemination of Information Cindy Houlson

The staff is trying to get information to board members as quickly as possible. We want to make sure we are meeting the needs of the members. We could continue

the process as we have done or a date could be set, such as seven days before a meeting there would be a cut-off. All information obtained at that point would be sent to board members. We would like board members to think about it, identify what needs you have and what approach you prefer, keeping in mind that the use of seven days could push some items to the next month.

COMMENT: Have found it difficult to have quality time to review what we are going to work on at the upcoming board meeting when that information comes out short notice. Have not said anything about it because we are working at such a fast pace deal with issues, deal with things; move them through the process that is a sacrifice I am willing to make. I would like to see a cut off time and information come out even the middle of the week before. I recognize that some items will be postponed.

COMMENT: Trying to recognize the balance, with four staff people at this time, we don't have the expertise the board members bring. We have to have intense board member involvement.

We are working with the urgency to get many of the rules well on their way to adoption by January 1st. If we don't push the time line hard it opens up that attention to be drawn to the board for legislative action to fix whatever is perceived that the board is not doing appropriately. Could throw us back to some of the legislative challenges we faced last year.

We are struggling with keeping board members engaged with helping us learn the trade and write rules that are appropriate, recognizing we are on a timeline to avoid what happened last session again in 2010 and recognizing we need to give you as much time as possible to review the information.

COMMENT: My concern is with chapter rules. Chapter 30 is an example of that. Board members would not have had a chance to look at that till Friday afternoon or Saturday. That makes what we just did a bit more cumbersome. We as subcommittee chairs need to figure out how we can disseminate information a bit ahead of time.

COMMENT: We could call a special meeting to address specific items. Those don't necessary have to be face to face, could be held teleconference. For urgent timeline situations we can make those special accommodations.

COMMENT: A weekly update could be scheduled to keep members informed. Obviously we would not get into details.

RECOMMENDATION: Cindy will work with the committee chairs to come up with a reasonable time. I think there are some things we can do with communications. The chairs committee could provide some guidance for Cindy.

LETTERS TO THE BOARD Chuck Thomas

Read Kelly Weeks Email

Reviewed Jana Byrom from Standard Heating & Air Conditioning Inc Emails (attached to agenda)

COMMENT: Questions such as this are sent to the chairs for feedback. There were several different comments that came in for these questions.

COMMENT: This subcontractor has a license but it is not under its master's Workforce Development's contractor registration number, it is under a previous owner's contractor registration number. But they hold Iowa Journey person license.

COMMENT: Example: I have ten journey persons working for me but I don't have a master. I ask Susan if I can use her master's license. There is no place that says it can't be done.

COMMENT: Currently there are several instances out there where contractors are subcontracting their work to their own employees, and then they get a 1099 at the end of the year. That is where the taxes come in.

COMMENT: Sounds like there are no restrictions until the rule is updated.

COMMENT: Although there is no active action before the board at this time. Journey person definition says must work for a master, does not say it has to be in the same company.

Reviewed Charles Daugherty Email (attached to agenda)

COMMENT: Don't believe he meets the waiver requirements. Mr. Daugherty needs to needs to provide additional information.

PUBLIC COMMENT

Bill Switzer When we make the application we will include all the instructor resumes because we don't know which one will be teaching. If we have new ones we will send them to you. We require an evaluation sheet at the end of our seminars. I have a teaching degree and have taught apprentice for 15 years. I am a plumber. We have had people with years of experience who do not have the capacity to teach.

The PICC and IAPMO are planning to present seminars together, would like to know if will be acceptable to the board. IAPMO would teach four hours of code and discipline and PICC would do four hours of discipline and safety.

NEXT MEETING

Next regularly scheduled meeting is September 15, 2009

ISSUE: We don't have a location for September 15th. We had reserved a room at Mercy Capitol, however they are closing down. Have tried to find alternative

locations and were unsuccessful. Did check with DPS, if you would agree to move the meeting one week later to September 22, this room is available.
Board agreed to hold the next Board Meeting on September 22, 2009

Application and Fees Committee Meeting will move one week later as well.

Olivia Oetker (Matt's daughter) has been offered honorary license, apprentice in training and honorary photographer in training. Certificate was signed by all staff.

Meeting was Adjournment

Mary Swinehart