

CHAPTER 60
PLUMBING AND MECHANICAL SYSTEMS BOARD—
NONCOMPLIANCE REGARDING CHILD SUPPORT, NONPAYMENT OF STATE DEBT,
AND NONCOMPLIANCE REGARDING STUDENT LOAN REPAYMENT

641—60.1(252J) Child support noncompliance. The board hereby adopts by reference 641—Chapter 192, “Child Support Noncompliance,” Iowa Administrative Code.
[ARC 0458C, IAB 11/14/12, effective 12/19/12]

641—60.2(272D) Nonpayment of state debt. The board hereby adopts by reference 641—Chapter 194, “Nonpayment of State Debt,” Iowa Administrative Code.
[ARC 0458C, IAB 11/14/12, effective 12/19/12]

641—60.3(261) Student loan repayment noncompliance. The board hereby adopts by reference 641—Chapter 195, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation,” Iowa Administrative Code.
[ARC 0458C, IAB 11/14/12, effective 12/19/12]

These rules are intended to implement Iowa Code chapters 252J and 272D and section 261.126.

[Filed ARC 0458C (Notice ARC 0313C, IAB 9/5/12), IAB 11/14/12, effective 12/19/12]

CHAPTER 192
CHILD SUPPORT NONCOMPLIANCE

641—192.1(252J) Definitions. For the purpose of this chapter, the following definitions shall apply:

“*Applicant*” means an individual who is seeking the issuance of a license.

“*Certificate of noncompliance*” means a document provided by the child support recovery unit of the department of human services certifying that the named applicant or licensee has defaulted on an obligation owed to or collected by the child support recovery unit.

“*Department*” means the department of public health.

“*License*” means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to a person by a licensing authority which evidences the granting of authority to engage in a profession, occupation, or business.

“*Licensing authority*” means a board, commission, or any other entity of the department which has authority within this state to suspend or revoke a license or deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, or profession.

[ARC 8798B, IAB 6/2/10, effective 7/7/10]

641—192.2(252J) Issuance or renewal of a license—denial. The licensing authority shall deny the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the following shall apply.

192.2(1) The notice required by Iowa Code section 252J.8 shall be served upon the applicant or licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the applicant or licensee may accept service personally or through authorized counsel.

192.2(2) The effective date of the denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service of the notice upon the applicant or licensee.

192.2(3) The licensing authority’s administrator is authorized to prepare and serve the notice required by Iowa Code section 252J.8, upon the applicant or licensee.

192.2(4) Applicants and licensees shall keep the licensing authority informed of all court actions, and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J, and shall provide the licensing authority copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

192.2(5) All licensing authority fees required for application, license renewal, or license reinstatement must be paid by applicants or licensees before a license will be issued, renewed, or reinstated after the licensing authority has denied the issuance or renewal of a license pursuant to Iowa Code chapter 252J.

192.2(6) In the event an applicant or licensee timely files a district court action following service of a licensing authority notice pursuant to Iowa Code sections 252J.8 and 252J.9, the licensing authority shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

192.2(7) The licensing authority shall notify the applicant or licensee in writing through regular first-class mail, or such other means as the licensing authority determines appropriate in the circumstances, within 10 days of the effective date of the denial of the issuance or renewal of a license and shall similarly notify the applicant or licensee if the license is issued or renewed following the licensing authority’s receipt of a withdrawal of the certificate of noncompliance.

[ARC 8798B, IAB 6/2/10, effective 7/7/10]

641—192.3(252J) Suspension or revocation of a license. The licensing authority shall suspend or revoke a license upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures set forth in Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the following shall apply.

192.3(1) The notice required by Iowa Code section 252J.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

192.3(2) The effective date of the suspension or revocation of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service of the notice upon the licensee.

192.3(3) The licensing authority's administrator is authorized to prepare and serve the notice required by Iowa Code section 252J.8 and is directed to notify the licensee that the license will be suspended unless the license is already suspended on other grounds. In the event that the license is on suspension, the administrator shall notify the licensee of the licensing authority's intention to revoke the license.

192.3(4) Licensees shall keep the licensing authority informed of all court actions, and all child support recovery unit action taken under or in connection with Iowa Code chapter 252J, and shall provide the licensing authority copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions and withdrawals of certificates of noncompliance by the child support recovery unit.

192.3(5) All licensing authority fees required for license renewal or license reinstatement must be paid by licensees before a license will be reinstated after the licensing authority has suspended or revoked a license pursuant to Iowa Code chapter 252J.

192.3(6) In the event a licensee files a district court action following service of a licensing authority notice pursuant to Iowa Code sections 252J.8 and 252J.9, the licensing authority shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the suspension or revocation, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

192.3(7) The licensing authority shall notify the licensee in writing through regular first-class mail, or such other means as the licensing authority determines appropriate in the circumstances, within 10 days of the effective date of the suspension or revocation of a license and shall similarly notify the licensee if the license is reinstated following the licensing authority's receipt of a withdrawal of the certificate of noncompliance.

[ARC 8798B, IAB 6/2/10, effective 7/7/10]

641—192.4(17A,22,252J) Sharing of information. Notwithstanding any statutory confidentiality provision, the licensing authority may share information with the child support recovery unit of the department of human services through manual or automated means for the sole purpose of identifying applicants or licensees subject to enforcement under Iowa Code chapter 252J or Iowa Code chapter 598.

[ARC 8798B, IAB 6/2/10, effective 7/7/10]

These rules are intended to implement Iowa Code chapter 252J.

[Filed emergency 1/11/96 after Notice 12/6/95—published 1/31/96, effective 1/11/96]

[Filed ARC 8798B (Notice ARC 8631B, IAB 3/24/10), IAB 6/2/10, effective 7/7/10]

CHAPTER 194
NONPAYMENT OF STATE DEBT

641—194.1(272D) Definitions. For the purpose of this chapter, the following definitions shall apply.

“*Applicant*” means an individual who is seeking the issuance of a license.

“*Centralized collection unit*” means the centralized collection unit of the Iowa department of revenue.

“*Certificate of noncompliance*” means a document provided by the centralized collection unit of the department of revenue certifying that the named applicant or licensee has an outstanding liability placed with the unit and has not entered into an approved payment plan to pay the liability.

“*Denial notice*” means a licensing authority notification denying an application for the issuance or renewal of a license as required by Iowa Code chapter 272D.

“*Department*” means the department of public health.

“*License*” means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to a person by a licensing authority which evidences the granting of authority to engage in a profession, occupation, or business.

“*Licensing authority*” means a board, commission, or any other entity of the department which has authority within this state to suspend or revoke a license or deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, or profession.

“*Revocation or suspension notice*” means a licensing authority notification suspending a license for an indefinite or specified period of time or a notification revoking a license as required by Iowa Code chapter 272D.

“*Withdrawal certificate*” means a document provided by the centralized collection unit certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of a license.

[ARC 7671B, IAB 4/8/09, effective 5/13/09]

641—194.2(272D) Issuance or renewal of a license—denial. The licensing authority shall deny the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the centralized collection unit. This rule shall apply in addition to the procedures set forth in Iowa Code chapter 272D.

194.2(1) Service of denial notice. Notice shall be served upon the applicant or licensee by certified mail, return receipt requested; by personal service; or through authorized counsel.

194.2(2) Effective date of denial. The effective date of the denial of the issuance or renewal of a license, as specified in the denial notice, shall be 60 days following service of the denial notice upon the applicant or licensee.

194.2(3) Preparation and service of denial notice. The licensing authority is authorized to prepare and serve the denial notice upon the applicant or licensee.

194.2(4) Licensees and applicants responsible to inform licensing authority. Licensees and applicants shall keep the licensing authority informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D. Licensees and applicants shall also provide the licensing authority copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code chapter 272D, all court orders entered in such actions, and any withdrawals of certificates issued by the centralized collection unit.

194.2(5) Reinstatement following license denial. All licensing authority fees required for application, license renewal, or license reinstatement must be paid by applicants or licensees before a license will be issued, renewed, or reinstated after the licensing authority has denied the issuance or renewal of a license pursuant to Iowa Code chapter 272D.

194.2(6) Effect of filing in district court. In the event an applicant or a licensee files a timely district court action following service of a denial notice by a licensing authority, the licensing authority shall continue with the intended action described in the denial notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the licensing authority

shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

194.2(7) Final notification. The licensing authority shall notify the applicant or licensee in writing through regular first-class mail, or by such other means as the licensing authority determines appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license, and shall similarly notify the applicant or licensee if the license is issued or renewed following the licensing authority's receipt of a withdrawal certificate.

[ARC 7671B, IAB 4/8/09, effective 5/13/09]

641—194.3(272D) Suspension or revocation of a license. The licensing authority shall suspend or revoke a license upon the receipt of a certificate of noncompliance from the centralized collection unit in accordance with the procedures set forth in Iowa Code chapter 272D. This rule shall apply in addition to the procedures set forth in Iowa Code chapter 272D.

194.3(1) Service of revocation or suspension notice. A revocation or suspension notice shall be served upon the licensee by certified mail, return receipt requested; by personal service; or through authorized counsel.

194.3(2) Effective date of revocation or suspension. The effective date of the suspension or revocation of a license, as specified in the revocation or suspension notice, shall be 60 days following service of the notice upon the licensee.

194.3(3) Preparation and service of revocation or suspension notice. The licensing authority is authorized to prepare and serve the revocation or suspension notice upon the licensee and is directed to notify the licensee that the license will be suspended, unless the license is already suspended on other grounds. In the event that the license is on suspension, the licensing authority shall notify the licensee of the licensing authority's intention to revoke the license.

194.3(4) Licensee responsible to inform licensing authority. The licensee shall keep the licensing authority informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D. Licensees shall also provide the licensing authority copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code chapter 272D, all court orders entered in such actions, and any withdrawal certificates issued by the centralized collection unit.

194.3(5) Reinstatement following license suspension or revocation. A licensee shall pay all licensing authority fees required for license renewal or license reinstatement before a license will be reinstated after the licensing authority has suspended or revoked a license pursuant to Iowa Code chapter 272D.

194.3(6) Effect of filing in district court. In the event a licensee files a timely district court action pursuant to Iowa Code chapter 272D, and following service of a revocation or suspension notice, the licensing authority shall continue with the intended action described in the revocation or suspension notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the license suspension or revocation, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

194.3(7) Final notification. The licensing authority shall notify the licensee in writing through regular first-class mail, or by such other means as the licensing authority determines appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a license, and shall similarly notify the licensee if the license is reinstated following the licensing authority's receipt of a withdrawal certificate.

[ARC 7671B, IAB 4/8/09, effective 5/13/09]

641—194.4(272D) Sharing of information. Notwithstanding any statutory confidentiality provision, the department or licensing authority may share information with the centralized collection unit of the department of revenue through automated means for the sole purpose of identifying applicants or licensees subject to enforcement pursuant to Iowa Code chapter 272D.

[ARC 7671B, IAB 4/8/09, effective 5/13/09]

These rules are intended to implement Iowa Code chapter 272D.

[Filed ARC 7671B (Notice ARC 7540B, IAB 1/28/09), IAB 4/8/09, effective 5/13/09]

CHAPTER 195
STUDENT LOAN DEFAULT/NONCOMPLIANCE WITH AGREEMENT
FOR PAYMENT OF OBLIGATION

641—195.1(261) General definitions. For the purposes of this chapter, the following definitions shall apply:

“*Applicant*” means an individual who is seeking the issuance of a license.

“*Certificate of noncompliance*” means written certification from the college student aid commission to the licensing authority certifying that the licensee has defaulted on an obligation owed to or collected by the commission.

“*Commission*” means the college student aid commission.

“*Department*” means the department of public health.

“*License*” means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to a person by a licensing authority which evidences the granting of authority to engage in a profession, occupation, or business.

“*Licensing authority*” means a board, commission, or any other entity of the department which has authority within this state to suspend or revoke a license or deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, or profession.

[ARC 8800B, IAB 6/2/10, effective 7/7/10]

641—195.2(261) Issuance or renewal of a license—denial. The licensing authority shall deny the issuance or renewal of a license upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in Iowa Code sections 261.121 to 261.127.

195.2(1) In order to process the certificate of noncompliance received by the licensing authority, the licensing authority will maintain records of licensees by name, current known address, and social security number.

195.2(2) Upon receipt of a certificate of noncompliance duly issued by the commission, the licensing authority shall initiate procedures for denial of issuance or renewal of licensure.

195.2(3) The licensing authority shall provide notice to the licensee or applicant informing that person of the licensing authority’s intent to deny the license, and said notice shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. The notice shall state all of the following:

a. The licensing authority intends to deny issuance or renewal of an individual’s license due to the receipt of a certificate of noncompliance from the commission.

b. The individual must contact the commission to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

c. Unless the commission furnishes a withdrawal of a certificate of noncompliance to the licensing authority within 30 days of the issuance of the notice under this subrule, the individual’s license shall be denied.

195.2(4) The applicant or licensee served with a notice under 195.2(3) shall not have a right to a hearing before the licensing authority but may request a court hearing pursuant to Iowa Code section 261.127. Such court hearing must be requested within 30 days of the provision of notice.

195.2(5) The effective date of the denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code section 261.126, shall be 60 days following service of the notice upon the applicant or licensee.

195.2(6) The licensing authority’s administrator is authorized to prepare and serve the notice required by Iowa Code section 261.126 upon the applicant or licensee.

195.2(7) All licensing authority fees required for application, license renewal, or license reinstatement must be paid by applicants or licensees and all continuing education requirements must be met before a license will be issued, renewed, or reinstated after the licensing authority has denied the issuance or renewal of a license pursuant to Iowa Code chapter 261.

195.2(8) In the event an applicant or licensee timely files a district court action following service of a licensing authority notice pursuant to Iowa Code section 261.126, the licensing authority shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed.

195.2(9) Upon the filing of a district court action, the applicant or licensee shall promptly file with the licensing authority a copy of the petition filed with the district court. In addition, the applicant or licensee shall provide the licensing authority with copies of all court orders and rulings entered in such action within seven days of the action.

195.2(10) For purposes of determining the effective date of the denial of the issuance or renewal of a license, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

[ARC 8800B, IAB 6/2/10, effective 7/7/10]

641—195.3(261) Suspension or revocation of a license. The licensing authority shall suspend or revoke a license upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in Iowa Code sections 261.121 to 261.127. In addition to the provisions contained in those sections, the following shall apply:

195.3(1) In order to process the certificate of noncompliance received by the licensing authority, the licensing authority will maintain records of licensees by name, current known address, and social security number.

195.3(2) Upon receipt of a certificate of noncompliance duly issued by the commission, the licensing authority shall initiate procedures for suspension or revocation of licensure.

195.3(3) The licensing authority shall provide notice to the licensee informing the individual of the licensing authority's intent to suspend or revoke the license, and said notice shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. The notice shall state all of the following:

a. The licensing authority intends to suspend or revoke an individual's license due to the receipt of a certificate of noncompliance from the commission.

b. The individual must contact the commission to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

c. Unless the commission furnishes a withdrawal of a certificate of noncompliance to the licensing authority within 30 days of the issuance of the notice under this subrule, the individual's license shall be suspended or revoked.

195.3(4) The licensee served with a notice under 195.3(3) shall not have a right to a hearing before the licensing authority but may request a court hearing pursuant to Iowa Code section 261.127. Such court hearing must be requested within 30 days of the provision of notice.

195.3(5) The effective date of the suspension or revocation of a license, as specified in the notice required by Iowa Code section 261.126, shall be 60 days following service of the notice upon the licensee.

195.3(6) The licensing authority's administrator is authorized to prepare and serve the notice required by Iowa Code section 261.126 upon the licensee.

195.3(7) All licensing authority fees required for application, license renewal, or license reinstatement must be paid by applicants or licensees and all continuing education requirements must be met before a license will be issued, renewed, or reinstated after the licensing authority has suspended or revoked a license pursuant to Iowa Code chapter 261.

195.3(8) In the event a licensee timely files a district court action following service of a licensing authority notice pursuant to Iowa Code section 261.126, the licensing authority shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed.

195.3(9) Upon the filing of a district court action, the licensee shall promptly file with the licensing authority a copy of the petition filed with the district court. In addition, the licensee shall provide the licensing authority with copies of all court orders and rulings entered in such action within seven days of the action.

195.3(10) For purposes of determining the effective date of the suspension or revocation, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.
[ARC 8800B, IAB 6/2/10, effective 7/7/10]

641—195.4(17A,22,261) Sharing of information. Notwithstanding any statutory confidentiality provision, the licensing authority may share information with the commission for the sole purpose of identifying applicants or licensees subject to enforcement under Iowa Code chapter 261.
[ARC 8800B, IAB 6/2/10, effective 7/7/10]

These rules are intended to implement Iowa Code chapter 261.

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