

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rule making related to licensure and providing an opportunity for public comment**

The Professional Licensure Division hereby proposes to amend Chapter 4, “Board Administrative Processes,” and Chapter 5, “Fees”; adopt new Chapter 14, “Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions,” and new Chapter 19, “License by Verification and Applicants with Work Experience”; and amend Chapter 20, “Military Service, Veteran Reciprocity, and Spouses of Active Duty Service Members,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 17A.3, 147.80 and 272C.4 and 2020 Iowa Acts, House File 2627.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 147 and 272C and 2020 Iowa Acts, House File 2627.

*Purpose and Summary*

The proposed amendments implement the provisions of 2020 Iowa Acts, House File 2627, and remove references to duplicate wallet cards to accommodate electronic renewal verification. The proposed amendments provide:

- Removal of references to duplicate wallet cards in light of electronic renewal verification;
- Addition of a new Chapter 14 regarding the use of criminal convictions in eligibility determinations and initial licensure decisions, as set forth in 2020 Iowa Acts, House File 2627;
- Addition of a new Chapter 19 to set forth the procedures for license by verification and applicants with work experience, as set forth in 2020 Iowa Acts, House File 2627; and
- Removal of the term “spouse” in chapter 20 as a result of 2020 Iowa Acts, House File 2627, section 24, which struck Iowa Code section 272C.4(13).

*Fiscal Impact*

This rule making has minimal fiscal impact to the State of Iowa. Licensees would no longer need to pay to receive duplicate wallet cards and instead would be able to print their own renewal verification if needed. It is also unknown how many individuals would seek an eligibility determination due to a criminal conviction prior to applying, which determination would result in the collection by the Division of a \$25 fee to recover the associated costs as set forth in 2020 Iowa Acts, House File 2627.

*Jobs Impact*

There is a potential positive impact on jobs because individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on January 19, 2021. Comments should be directed to:

Susan Reynolds  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [susan.reynolds@idph.iowa.gov](mailto:susan.reynolds@idph.iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 19, 2021  
9 to 9:30 a.m.

**Webex ID :** 1468944924  
**Password:** vN6b6Vk\*  
**(US) +1 408.418.9388 (toll)**  
**Access code:** 146 894 492 4

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Division and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 645—4.8(147) as follows:

**645—4.8(147) Duplicate certificate ~~or wallet card~~.**

**4.8(1)** A duplicate ~~wallet card or duplicate~~ certificate shall be required if the current ~~wallet card or~~ certificate is lost, stolen or destroyed. A duplicate ~~wallet card or a duplicate~~ certificate shall be issued only under such circumstances.

**4.8(2)** A duplicate ~~wallet card or duplicate~~ certificate shall be issued upon receipt of the completed application for duplicate license and payment of the fee as specified in 645—Chapter 5.

**4.8(3)** If the board receives a completed application for a duplicate license stating that the ~~wallet card or~~ certificate was not received within 60 days after being mailed by the board, no fee shall be required for issuing the ~~duplicate wallet card or~~ duplicate certificate.

ITEM 2. Amend rule 645—4.9(147) as follows:

**645—4.9(147) Reissued certificate ~~or wallet card~~.** The board shall reissue a certificate ~~or current wallet card~~ upon receipt of a written request from the licensee, return of the original document and payment of the fee as specified in 645—Chapter 5.

ITEM 3. Amend subrule 5.1(6) as follows:

**5.1(6)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 4. Amend subrule 5.2(14) as follows:

**5.2(14)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 5. Amend subrule 5.3(7) as follows:

**5.3(7)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 6. Amend subrule 5.4(6) as follows:

**5.4(6)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 7. Amend subrule 5.5(5) as follows:

**5.5(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 8. Amend subrule 5.6(5) as follows:

**5.6(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 9. Amend subrule 5.7(7) as follows:

**5.7(7)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 10. Amend subrule 5.8(6) as follows:

**5.8(6)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 11. Amend subrule 5.9(5) as follows:

**5.9(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 12. Amend subrule 5.10(5) as follows:

**5.10(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 13. Amend subrule 5.11(6) as follows:

**5.11(6)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 14. Amend subrule 5.12(5) as follows:

**5.12(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 15. Amend subrule 5.13(6) as follows:

**5.13(6)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 16. Amend subrule 5.14(6) as follows:

**5.14(6)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 17. Amend subrule 5.15(8) as follows:

**5.15(8)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 18. Amend subrule 5.16(5) as follows:

**5.16(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 19. Amend subrule 5.17(5) as follows:

**5.17(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 20. Amend subrule 5.18(5) as follows:

**5.18(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 21. Amend subrule 5.19(5) as follows:

**5.19(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 22. Amend subrule 5.20(5) as follows:

**5.20(5)** Duplicate or reissued license certificate ~~or wallet card~~ fee is \$20.

ITEM 23. Adopt the following new 645—Chapter 14:

CHAPTER 14

USE OF CRIMINAL CONVICTIONS IN ELIGIBILITY DETERMINATIONS AND INITIAL LICENSING DECISIONS

**645—14.1(272C) Definitions.**

“*Complete criminal record*” includes the complaint and judgment of conviction for each offense of which the applicant has been convicted, regardless of whether the offense is classified as a felony or a misdemeanor, and regardless of the jurisdiction in which the offense occurred.

“*Conviction*” means a finding, plea, or verdict of guilt made or returned in a criminal proceeding, even if the adjudication of guilt is deferred, withheld, or not entered. “Conviction” includes Alford pleas and pleas of nolo contendere.

“*Disqualifying offense*” means a conviction directly related to the duties and responsibilities of the profession. A conviction is directly related to the duties and responsibilities of the profession if either (1) the actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession, or (2) the circumstances under which an offense was committed are circumstances customary to a licensed profession.

“*License*” means any license, registration, or permit issued by the board.

**645—14.2(272C) License application.** Unless an applicant for licensure petitions the board for an eligibility determination pursuant to rule 645—14.3(272C), the applicant’s convictions will be reviewed when the board receives a completed license application.

**14.2(1)** An applicant must disclose all convictions on a license application. Failure to disclose all convictions is grounds for license denial or disciplinary action following license issuance.

**14.2(2)** An applicant with one or more convictions shall submit the complete criminal record for each conviction and a personal statement regarding whether each conviction directly relates to the practice of the profession in order for the license application to be considered complete.

**14.2(3)** An applicant must submit as part of the license application all evidence of rehabilitation that the applicant wishes to be considered by the board.

**14.2(4)** The board may deny a license if the applicant has a disqualifying offense unless the applicant demonstrates by clear and convincing evidence that the applicant is rehabilitated pursuant to Iowa Code section 272C.15.

**14.2(5)** An applicant with one or more disqualifying offenses who has been found rehabilitated must still satisfy all other requirements for licensure.

**14.2(6)** Any application fees paid will not be refunded if the license is denied.

**645—14.3(272C) Eligibility determination.**

**14.3(1)** An individual who has not yet submitted a completed license application may petition the board for a determination of whether one or more of the individual’s convictions are disqualifying offenses that would render the individual ineligible for licensure. An individual with a conviction is not required to petition the board for an eligibility determination prior to applying for licensure.

**14.3(2)** To petition the board for an eligibility determination of whether one or more of the petitioner’s convictions are disqualifying offenses, a petitioner shall submit all of the following:

- a. A completed petition for eligibility determination form;
- b. The complete criminal record for each of the petitioner’s convictions;
- c. A personal statement regarding whether each conviction directly relates to the duties and responsibilities of the profession and why the board should find the petitioner rehabilitated;
- d. All evidence of rehabilitation that the petitioner wishes to be considered by the board; and
- e. Payment of a nonrefundable fee of \$25.

**645—14.4(272C) Appeal.** A petitioner deemed ineligible or an applicant denied a license due to a disqualifying offense may appeal the decision in the manner and time frame set forth in the board’s

written decision. A timely appeal will initiate a nondisciplinary contested case proceeding. The board's rules governing contested case proceedings will apply unless otherwise specified in this rule. If the petitioner or applicant fails to timely appeal, the board's written decision will become a final order.

**14.4(1)** An administrative law judge will serve as the presiding officer of the nondisciplinary contested case proceeding, unless the board elects to serve as the presiding officer. When an administrative law judge serves as the presiding officer, the decision rendered shall be a proposed decision.

**14.4(2)** The contested case hearing shall be closed to the public, and the board's review of a proposed decision shall occur in closed session.

**14.4(3)** The office of the attorney general shall represent the board's initial ineligibility determination or license denial and shall have the burden of proof to establish that the petitioner or applicant's convictions include at least one disqualifying offense. Upon satisfaction of this burden by a preponderance of the evidence by the office of the attorney general, the burden of proof shall shift to the petitioner or applicant to establish rehabilitation by clear and convincing evidence.

**14.4(4)** A petitioner or applicant must appeal an ineligibility determination or license denial in order to exhaust administrative remedies. A petitioner or applicant may only seek judicial review of an ineligibility determination or license denial after the issuance of a final order following a contested case proceeding. Judicial review of the final order following a contested case proceeding shall be in accordance with Iowa Code chapter 17A.

**645—14.5(272C) Future petitions or applications.** If a final order determines a petitioner is ineligible, the petitioner may not submit a subsequent petition for eligibility determination or a license application prior to the date specified in the final order. If a final order denies a license application, the applicant may not submit a subsequent license application or a petition for eligibility determination prior to the date specified in the final order.

These rules are intended to implement 2020 Iowa Acts, House File 2627.

ITEM 24. Adopt the following new 645—Chapter 19:

#### CHAPTER 19

#### LICENSURE BY VERIFICATION AND OF APPLICANTS WITH WORK EXPERIENCE

**645—19.1(272C) Licensure by verification.** Licensure by verification is available in accordance with the following.

**19.1(1) Eligibility.** A person may seek licensure by verification if the person is licensed in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa, the person has been licensed for a minimum of one year in the other jurisdiction, and either:

- a. The person establishes residency in the state of Iowa; or
- b. The person is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in the state of Iowa.

**19.1(2) Board application.** The applicant must submit the following:

- a. A completed application for licensure by verification.
- b. Payment of the application fee.
- c. Completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, if required for initial licensure by the board.
- d. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant's license, verifying that the applicant's license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.
- e. Proof of residency in the state of Iowa or proof of military member's official permanent change of station. Proof of residency includes:
  - (1) A residential mortgage, lease, or rental agreement;

- (2) A utility bill;
- (3) A bank statement;
- (4) A paycheck or pay stub;
- (5) A property tax statement;
- (6) A federal or state government document; or
- (7) Any other board-approved document that reliably confirms Iowa residency.
- f. A copy of the complete criminal record if the applicant has a criminal history.
- g. A copy of the relevant disciplinary documents if another jurisdiction has taken disciplinary action against the applicant.
- h. A written statement from the applicant detailing the scope of practice in the other state.
- i. Copies of relevant laws setting forth the scope of practice in the other state.

**19.1(3) Applicants with prior discipline.** If another jurisdiction has taken disciplinary action against an applicant, the board will determine whether the cause for the disciplinary action has been corrected and the matter has been resolved. If the board determines the disciplinary matter has not been resolved, the board will neither issue a license nor deny the application for licensure until the matter is resolved. A person who has had a license revoked, or who has voluntarily surrendered a license, in another jurisdiction is ineligible for licensure by verification.

**19.1(4) Applicants with pending licensing complaints or investigations.** If an applicant is currently the subject of a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will neither issue a license nor deny the application for licensure until the complaint, allegation, or investigation is resolved.

**19.1(5) Compact privileges.** A person who has a privilege to practice in Iowa by virtue of an interstate licensure compact is ineligible for licensure by verification. Licenses issued pursuant to this rule do not grant privileges to practice in any other jurisdiction pursuant to any interstate licensure compact.

**645—19.2(272C) Applicants with work experience in jurisdictions without licensure requirements.**

**19.2(1) Work experience.** An applicant for initial licensure who has relocated to Iowa from another jurisdiction that did not require a professional license to practice in the profession may be considered to have met any educational and training requirements if the person has at least three years of work experience with a scope of practice substantially similar to that of the profession for which a license in Iowa is sought. The three years of work experience must be within the four years preceding the date of application for initial licensure. The applicant must satisfy all other requirements, including passing any required examinations, to receive a license.

**19.2(2) Required documentation.** An applicant who wishes to substitute work experience in lieu of satisfying applicable education or training requirements shall carry the burden of proving all of the following by submitting relevant documents as part of a completed license application:

- a. Proof of Iowa residency, which may include:
  - (1) A residential mortgage, lease, or rental agreement;
  - (2) A utility bill;
  - (3) A bank statement;
  - (4) A paycheck or pay stub;
  - (5) A property tax statement;
  - (6) A document issued by the federal or state government; or
  - (7) Any other board-approved document that reliably confirms Iowa residency.
- b. Proof of three or more years of work experience within the four years preceding the application for licensure, which may include:
  - (1) A letter from the applicant's prior employer documenting the dates of employment;
  - (2) Pay checks or pay stubs;
  - (3) If the applicant is self-employed, business documents filed with the secretary of state; or
  - (4) Any other board-approved evidence of sufficient work experience.

c. Proof that the work experience was in a practice with a scope of practice substantially similar to that for the license sought in Iowa, which must include:

- (1) A written statement by the applicant detailing the scope of practice; and
- (2) Business or marketing materials detailing the services provided.

d. Proof that a professional license was not required in the other state, which may include:

- (1) Copies of applicable laws;
- (2) Materials from a website operated by a governmental entity; or
- (3) Materials from a national professional association.

These rules are intended to implement 2020 Iowa Acts, House File 2627.

ITEM 25. Amend **645—Chapter 20**, title, as follows:  
**MILITARY SERVICE, AND VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY  
SERVICE MEMBERS**

ITEM 26. Rescind the definition of “Spouse” in rule **645—20.1(272C)**.

ITEM 27. Amend rule 645—20.3(272C) as follows:

**645—20.3(272C) Veteran and active duty military spouse reciprocity.**

**20.3(1)** A veteran ~~or spouse~~ with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran ~~or spouse~~ must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with board laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran ~~or spouse~~ under this subrule shall be given priority and shall be expedited.

**20.3(2)** Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2) ~~or a spouse of an active duty member of the military forces of the United States~~.

**20.3(3) to 20.3(6)** No change.

ITEM 28. Amend **645—Chapter 20**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 272C.4 ~~as amended by 2019 Iowa Acts, chapter 9~~.