

PROFESSIONAL LICENSURE DIVISION [645]

Notice of Intended Action

Proposing rule making related to licensure, continuing education and providing an opportunity for public comment.

The Iowa Board of Barbering hereby proposes to amend Chapter 21, "Licensure," and Chapter 24, "Continuing Education for Barbers," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code Section 147.76 and chapter 158, 272C.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code Chapters 147, 158 and 272C.

Purpose and Summary

The proposed amendment changes the process of applying for endorsement by requiring the applicant only provide verification of licensure from the jurisdiction in which they were most recently licensed and disclose public or pending complaint in any other jurisdiction and removes notary requirements. The proposed amendments updates the definition of continuing education and independent study, and removes the requirement for a posttest.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Licensees would be required to provide fewer verification documents for other states, saving them time and money.

Jobs Impact

After analysis and review of this rule making, 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 or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than _____. On _____. Comments should be directed to:

Professional Licensure Division

Iowa Department of Public Health

Lucas State Office Building

321 East 12th Street Des Moines, Iowa 50319

Public Hearing

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

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 rulemaking. 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 Board 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 action proposed:

ITEM 1. Amend rule 21.2(1)"e"(158) as follows:

e. An applicant shall provide verification of license(s) from the every state in which the applicant has most recently been licensed as a barber, sent directly from the state(s) to the Iowa board of barbering office. The applicant must also disclose any public or pending complaints against the licensee in any other jurisdiction.

ITEM 2. Amend rule 21.2(2)"b"(158) as follows:

b. Provide a ~~notarized~~ copy of the certificate or diploma awarded to the applicant from a barber school in the country in which the applicant was educated.

ITEM 3. Amend rule 21.16 (158) as follows:

645—21.16(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

21.16(1) Submit a reactivation application on a form provided by the board.

21.16(2) Pay the reactivation fee that is due as specified in 645—subrule 5.2(11).

21.16(3) Provide verification of current competence to practice as a barber by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from the every jurisdiction in which the applicant ~~is or has been licensed and is or~~ has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. The applicant must also disclose any public or pending complaints against the licensee in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;

3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of three hours of continuing education that meet the continuing education standards defined in rule 645—24.3(158,272C) within two years of application for reactivation; or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation..

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from the every jurisdiction in which the applicant ~~is or has been licensed and is or~~ has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. The applicant must also disclose any public or pending complaints against the licensee in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of three hours of continuing education that meet the continuing education standards defined in rule 645—24.3(158,272C) within two years of application for reactivation; or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation, and

~~(3) Verification of passing the examinations required by the board within one year immediately prior to reactivation if the applicant does not have a current license and has not been in active practice in the United States during the past five years.~~

21.16(4) Licensees who are barber instructors shall obtain an additional four hours of continuing education in teaching methodology.

ITEM 4. Adopt the following new subrule 21.16 (5):

645-21.16 (5) Verification of active practice. Submit a sworn statement of previous barbering practice from an employer or professional associate, detailing places and dates of

employment and verifying that the applicant has practiced barbering at least 2,080 hours or taught as the equivalent of a full-time faculty member for at least one of the immediately preceding years during the last two-year time period. Sole proprietors may submit the sworn statement on their own behalf.

ITEM 5. Amend rule 24.1(158) as follows:

645—24.1 (158) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“*Board*” means the board of barbering.

“*Continuing education*” means planned, organized learning acts designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee ~~in actual attendance at and completion of an approved continuing education activity completing an approved continuing education activity through live, virtual, online or prerecorded means where the instructor provides proof of completion by the licensee as set forth in these rules.~~

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Independent study*” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules, ~~and includes a posttest.~~

“*License*” means license to practice.

“*Licensee*” means any person licensed to practice as a barber in the state of Iowa.