Regulatory Analysis

Notice of Intended Action to be published: 481—subrule 705.2(4)
"Continuing Education for Orthotists, Prosthetists, and Pedorthists"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 148F and 272C

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 148F and section 272C.2

Public Hearing

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

November 22, 2024	6200 Park Avenue
1 to 1:30 p.m.	Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking implements 2024 Iowa Acts, House File 2686. Chapter 702 sets forth continuing education and training requirements for prosthetists, orthotists, and pedorthists. The intended benefit of this chapter is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans. The Board of Podiatry reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 705.2(4) is proposed to be amended to comply with the statutory changes from 2024 Iowa Acts, House File 2686, allowing a licensee to carry over up to 50 percent of excess completed continuing education hours from the previous renewal cycle. This rulemaking would grant prosthetists and orthotists the ability to carry over up to 15 hours of continuing education earned in excess of the 30 hours required every two years. Pedorthists could carry over up to 10 hours of continuing education earned in excess of the 20 hours required every two years.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no direct cost to the public. There is a direct cost to the licensee, who must pay for the continuing education required. Private industries offer these courses; therefore, the Department is not

privy to exact costs, but based on research estimates, the cost is around $200 every two years for a licensee to meet these requirements.

Costs to the agency are for the staff time needed to manage licensing activities, which include continuing education. The time needed to manage this provision is generally in the form of responding to questions related to continuing education requirements. An executive officer supports the full scope of work of this license at approximately 0.2 full-time equivalent (FTE) position. Staff salaries to support the work of the license are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557.

- **Classes of persons that will benefit from the proposed rulemaking:**

Licensees will have increased flexibility in selecting courses. Licensees could see a reduction in cost due to not losing excess hours earned.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Private industries, including educational institutions, professional associations, and businesses, offer these courses, so the Board is not privy to exact costs but, based on research, estimates the cost to be around $200 every two years for a licensee to meet these requirements.

Costs to the agency are for the staff time needed to manage licensing activities, which include continuing education. An executive officer supports the full scope of work of this license at approximately 0.2 FTE position. Staff salaries to support the work are covered by the fund.

- **Qualitative description of impact:**

Licensees will be able to retain excess continuing education credits earned that they may have lost previously. This will allow more flexibility to the licensee to complete courses and potentially save licensees money.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the agency are for the staff time needed to manage Board activities, which include continuing education. The time needed to manage this provision is generally in the form of responding to questions related to continuing education requirements. An executive officer supports the full scope of work of this license at approximately 0.2 FTE position, which includes answering questions from the public and licensees related to topics such as practice standards and continuing education. Staff salaries to support the work for this license are covered by the fund.

- **Anticipated effect on state revenues:**

Costs associated with completing continuing education hours are paid to entities that provide continuing education opportunities, not the State. There is not an anticipated impact on state revenues.

Staff salaries to support the work of the license are covered by the fund.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Allowing licensees to carry over up to 50 percent of their excess continuing education hours will allow licensees greater flexibility and potentially cost savings. The impact on the private industry organizations that offer these continuing education programs is unknown.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

A less restrictive alternative would be to reduce the amount of continuing education required. A review of surrounding states has shown that Iowa is in line with neighboring jurisdictions. Iowa requires 30 hours of continuing education for orthotists and prosthetists every two years, as do Oklahoma, Illinois, Florida, and Arkansas, and Minnesota requires 40 hours every two years. Iowa requires 20 hours every two years for pedorthists, Oklahoma requires 11 hours every year, and

Minnesota requires 40 hours every two years. Representatives of the Board reviewed the required hours and did not support reducing them.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Board believes the current number of continuing education hours is equitable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Board believes the current number of continuing education hours is equitable and comparable to other states.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Orthotists, prosthetists, and pedorthists practice in a number of settings, including private practice clinics, major hospital systems, residential health care facilities, and educational institutions. The cost of continuing education could be greater for small business owners since they would be responsible for the entire cost, but the recent reduction in continuing education hours ultimately reduced the burden to the licensee.

Conversely, the entities that provide continuing education may have a negative impact on their revenue due to less demand for entities' continuing education services.

Text of Proposed Rulemaking

ITEM 1. Rescind subrule 705.2(4) and adopt the following **new** subrule in lieu thereof:

705.2(4) Licensees who complete continuing education hours in excess of the requirements for renewal may apply up to 50 percent of the required hours to the following renewal period. Licensees may apply a maximum of 20 hours from the previous renewal period.