Regulatory Analysis

Notice of Intended Action to be published: rule 481—741.2(147)
"Practice of Speech Pathologists and Audiologists"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 147, 154F and 272C

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 147, 154F and 272C

Public Hearing

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

November 20, 2024	6200 Park Avenue
10:40 a.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 Iowa Code chapter 154A as amended by 2024 Iowa Acts, Senate File 2385. The proposed rule states that speech pathologists are not required to hold a hearing aid specialist license in order to dispense hearing aids. The intended benefit of this rule is to allow audiologists to hold one license to practice audiology and hearing aid dispensing. The rule is being adopted to comply with the statutory changes from 2024 Iowa Acts, Senate File 2385, allowing an audiologist to dispense hearing aids without a hearing aid license.

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. Licensees are responsible for the cost of licensure. Licensed audiologists will no longer be required to carry a hearing aid specialist license. A hearing aid specialist license costs $156 and is $60 to renew.

Costs to the agency are for the staff time needed to manage licensing activities, which include licensing. The time needed to manage this provision is generally in the form of responding to questions related to licensing requirements and processing applications. Not processing an additional application will save the agency time. An executive officer supports the full scope of work of this license at approximately 0.33 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 see a reduction in cost due to not having to hold two separate licenses. They will pay one application fee, one examination fee, and one renewal fee each subsequent biennium.

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:**

The Department will lose revenue in licensing fees from audiologists who will no longer need a separate license to dispense hearing aids. Audiologists who dispense hearing aids will in turn be saving money in licensing and renewal fees since they will no longer be required to obtain that license.

- **Qualitative description of impact:**

Licensees will continue to provide the same quality of work that they have been for the public prior to the legislation. Audiologists have passed an examination that qualifies them to provide hearing aids.

Many audiologists have experience and training in dispensing hearing aids and have been licensed to dispense hearing aids to date. Iowa is one of the few states that does require a separate license to dispense hearing aids.

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 licensing activities, which include processing licenses and answering licensing questions. 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 0.33 FTE position. Staff salaries to support the work for this license are covered by the fund.

- **Anticipated effect on state revenues:**

This rulemaking will decrease the amount of licensing fees collected from audiologists.

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 hold only one license will save them a $156 initial licensing fee, $95 examination fee, and $60 renewal fee every biennium.

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

This is a less costly method for audiologists in Iowa. Most states do not require audiologists to carry a separate hearing aid dispensing license.

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

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

This rulemaking is proposed as a result of a legislative mandate.

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

The Board of Hearing Aid Specialists had previously agreed to accept the Praxis examination in place of the International Hearing Society (IHS) examination in order to cut some of the expense for audiologists who were dually licensed. This is a less restrictive alternative.

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?

Audiologists practice in a number of settings, including private practice clinics, major hospital systems, residential health care facilities, and educational institutions. The cost of carrying two licenses may have been a financial burden. This will be a cost-savings for small business owners who dispense hearing aids.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** rule 481—741.2(147):

481—741.2(147) Hearing aid dispensing. A licensed audiologist may dispense hearing aids without a separate hearing aid specialist license if the services are provided in accordance with the following:

741.2(1) Definitions.

"Dispense" or *"sell"* means a transfer of title or of the right to use by lease, bailment, or any other means but excludes a wholesale transaction with a distributor or hearing aid specialist and excludes the temporary, charitable loan or educational loan of a hearing aid without remuneration.

"Hearing aid specialist" means any person engaged in the fitting, dispensing and sale of hearing aids and providing hearing aid services or maintenance by means of procedures stipulated by Iowa Code chapter 154A or the board. These rules are not intended to regulate unlicensed persons who sell, dispense, market, use, distribute, or provide customer support to over-the-counter hearing aids as regulated by the U.S. Food and Drug Administration.

741.2(2) An audiologist dispensing hearing aids will be held to the same standard of care as a licensed hearing aid specialist and will follow the rules in 481—Chapter 2062.

This rule is intended to implement Iowa Code chapters 147 and 154F.