Regulatory Analysis

Notice of Intended Action to be published: 481—subrules 742.2(1) and 742.2(4)
"Continuing Education for Speech Pathologists and Audiologists"

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

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 154F 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 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 154F and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. The chapter sets forth continuing education and training requirements for speech pathologists and audiologists. 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 Speech Pathology and Audiology reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrules 742.2(1) and 742.2(4) are 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 speech pathologists and audiologists the ability to carry over up to 13 hours of continuing education earned in excess of the 26 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. Licensees are responsible for the cost of continuing education. Private industries offer these courses, so the Board is not privy to exact costs. There are multiple

entities that provide continuing education courses to licensees. An AudiologyOnline membership is $99 per year and provides access to more than 1,500 audiology continuing education courses.

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 0.33 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 have increased flexibility in selecting courses. Licensees could see a reduction in costs 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. There are multiple entities that provide continuing education courses to licensees.

The Board agreed with the 2023 Executive Order 10 revisions to reduce hours to 26 for these professions. The proposed reduced hours would result in a cost savings to individual licensees for an estimated total savings of $53 to $87 every two years.

- **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 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 0.33 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 this 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 other states do successfully manage continuing education programs with fewer hours required per renewal cycle. Iowa recently decreased the amount of continuing education hours needed for renewal. Currently, Iowa requires 26 hours of continuing education every two years. Nebraska, Kansas, Missouri and Illinois require 20 hours. South Dakota requires 20 hours for speech pathologists and 24 hours for audiologists. Minnesota requires 30 hours.

This rulemaking allows licensees to carry over up to 50 percent of excess continuing education hours from the previous reporting period. Allowing carryover of hours should provide more flexibility and potential cost savings for the licensee.

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

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

This rulemaking is being done as a result of a legislative mandate.

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

The Department recently reduced the number of continuing education hours.

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?

Speech pathologists and audiologists 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 the entities' continuing education services.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 742.2(1) as follows:

742.2(1) The biennial continuing education compliance period will run concurrently with each two-year period between January 1 of each even-numbered year and December 31 of each odd-numbered year. Each biennium, a person who is licensed to practice as a speech pathology or audiology licensee in this state will be required to complete a minimum of 26 hours of continuing education approved by the board. A person holding licensure in both speech pathology and audiology must meet the requirements for each profession. ~~Continuing education hours do not carry over.~~ 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 13 hours from the previous renewal period.

ITEM 2. Amend subrule 742.2(4) as follows:

742.2(4) ~~No hours of continuing education will be carried over into the next biennium except as stated for second renewal.~~ A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.