Regulatory Analysis

Notice of Intended Action to be published: 481—subrule 782.2(1)
"Continuing Education for Physician Assistants"

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

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 148C 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 19, 2024	6200 Park Avenue
3:20 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 Iowa Code chapter 148C and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. Chapter 782 sets forth continuing education and training requirements for physician assistants. 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 Physician Assistants reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 782.2(1) 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 physician assistants the ability to carry over up to 50 hours of continuing education earned in excess of the 100 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 are no direct costs to the public. There is a direct cost to the licensee, who must pay for the continuing education required. Through membership, the National Commission on Certification for Physician Assistants (NCCPA) offers continuing education to licensees for $180 over every two-year cycle. Licensees can obtain continuing education through other providers. Costs for continuing

education can range anywhere from $180 to $400 based on the course. Some employers will absorb the cost of licensees' continuing education.

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 Board at approximately 0.34 full-time equivalent (FTE) position. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **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. Through membership, the NCCPA offers continuing education to licensees for $180 over every two-year cycle. Licensees can obtain continuing education through other providers. Costs for continuing education can range anywhere from $180 to $400 based on the course. Some employers will absorb the cost of licensees' continuing education.

Currently, Iowa requires 100 hours of continuing education for this license type 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 for 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 Board at approximately 0.34 FTE position, which includes responding to questions from the public and licensees related to topics such as practice standards, continuing education, and Board meeting administration.

Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on state revenues:**

Costs associated with completing continuing education hours are paid to entities that provide continuing education opportunities, not the State. This rulemaking has no anticipated impact on state revenues.

Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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. Iowa requires 100 hours of continuing education every two years, of which 50 are designated as Category I by the American Academy of Physician Assistants, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, the American Academy of Family Physicians or other organizations accredited by the Accreditation Council on Continuing Medical Education (ACCME). The remaining 50 hours can be designated either Category I or Category II credit as accepted by the NCCPA. Licensees who have prescribed opioids to a patient during the renewal cycle are required to complete a minimum of two hours of continuing education on guidelines for prescribing opioids.

For physician assistants who want to maintain NCCPA certification, the ten-year certification maintenance process includes five two-year cycles, during which all certified physician assistants must log 100 hours of continuing education credit online with the submission of a $180 certification maintenance fee paid every two years.

A review of surrounding states indicates the following continuing education requirements:

- Kansas: 50 hours of continuing education annually; 20 hours must be Category I and 30 hours can be Category II.
- Nebraska: 50 hours of Category I continuing education hours every two years or meet certification standards through the NCCPA.
- Minnesota: 50 contact hours of Category I continuing education every two years or meet certification standards through the NCCPA.
- South Dakota: 30 hours of continuing education annually or meet certification standards through the NCCPA.
- Wisconsin: 100 hours of continuing education every two years and pass recertification exams every ten years to maintain NCCPA certification.
- Illinois: 100 hours of continuing education every two years and pass recertification every ten years to maintain NCCPA certification.

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 proposed as a result of a legislative mandate to allow licensees to carry over up to 50 percent of continuing education hours from the previous reporting period.

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

The Board has historically believed that eliminating continuing education requirements would increase the number of complaints and investigations that the Board would need to conduct, but the Board has not been able to analyze this correlation so is unable to submit evidence of this belief.

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?

The proposed chapter relates to high-stakes public safety concerns that are present whether the business is a small business or a large organization. The chapter is meant to ensure public safety in terms of licensing requirements for physician assistants. While some physician assistants may practice or partner in a small practice, some also work for large corporations and hospitals. To exempt small businesses from adhering to this chapter would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 782.2(1) as follows:

782.2(1) The biennial continuing education compliance period will extend for a two-year period beginning on October 1 of each year and ending on September 30 two years later. Each biennium, each licensee will be required to complete a minimum of 100 hours of continuing education approved by the board. Up to 50 percent of continuing education can be carried over into the next biennium if there was an amount of continuing education completed during the prior period that exceeded the minimum requirement.