Regulatory Analysis

Notice of Intended Action to be published: 481—subrule 805.2(3)
"Continuing Education for Occupational Therapists and Occupational Therapy Assistants"

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

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 148B and section 272C.2 and 2024 Iowa Acts, House File 2686

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
12:30 to 1 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 805 sets forth continuing education and training requirements for occupational therapists and occupational therapy 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 Physical and Occupational Therapy reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 805.2(3) 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 occupational therapists the ability to carry over up to 20 hours of continuing education earned in excess of the 40 hours required by Iowa law every two years. This rulemaking would grant occupational therapy assistants the ability to carry over up to 10 hours of continuing education earned in excess of the 20 hours required by Iowa law 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:**

Licensees are responsible for the cost of continuing education. Iowa requires occupational therapists to complete 30 hours of continuing education every two years and occupational therapy

assistants to complete 15 hours of continuing education every two years. Continuing education courses are often priced per course versus per contact hour. An on-demand one-hour online course covering a general topic that meets these requirements of a licensure board could be free, while in-person multi-day courses presented by one or more subject matter experts tend to be more expensive. There are multiple entities that offer continuing education courses to licensees, both online and in person.

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 0.22 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 scheduling 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 offer these courses, so the Board is not privy to exact costs, but based on research estimates, the cost to obtain continuing education is quite variable depending on the focus of the practitioner. The National Board for Certification in Occupational Therapy (NBCOT) Professional Development Provider offers unlimited access to continuing education for an annual fee of $99. The American Occupational Therapy Association (AOTA) offers a national conference, and members have unlimited access to over 200 continuing education units every year for an additional $70. AOTA has a position statement on the benefits of continuing education. Practitioners who maintain credentialing through NBCOT may use the navigator for up to 36 continuing education units with some contingent requirements. NBCOT presented on this service in June 2023. The Iowa Occupational Therapy Association (IOTA) offers a conference each fall.

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 0.22 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:**

The Board does not recommend a change in continuing education hours at this time. Iowa's requirements for occupational therapists to complete 30 continuing education hours and occupational therapy assistants to complete 15 continuing education hours every two years is lower than the neighboring state of Kansas (40 for occupational therapists and occupational therapy assistants) and slightly higher than Illinois (24 for occupational therapists and occupational therapy assistants), Missouri (24 for occupational therapists and occupational therapy assistants), Minnesota (24 for occupational therapists and 18 for occupational therapy assistants), Nebraska (20 for occupational therapists and 15 for occupational therapy assistants) and South Dakota (12 for occupational therapists and occupational therapy assistants).

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?

Occupational therapists and occupational therapy assistants 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.

The proposed chapter relates to 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. To exempt a small business 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 805.2(3) as follows:

805.2(3) ~~With the exception of continuing education hours obtained by new licensees, no hours of continuing education shall be carried over into the next biennium.~~ 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. Occupational therapist licensees may apply a maximum of 15 hours from the previous renewal period. Occupational therapy assistant licensees may apply a maximum of 7.5 hours from the previous renewal period. 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.