Regulatory Analysis

Notice of Intended Action to be published: 481—subrule 862.2(4)
"Continuing Education for Athletic Trainers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 152D and 272C.2

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 147, 152D and 272C 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
2:30 to 3 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:

Mary Collins
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.381.2078
Email: mary.collins@dia.iowa.gov

Purpose and Summary

This proposed rulemaking implements 2024 Iowa Acts, House File 2686. Chapter 862 sets forth continuing education and training requirements for athletic trainers. The intended benefit of this chapter is to ensure that athletic trainers maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans. The Board of Athletic Training reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 862.2(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 athletic trainers 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.

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 40 hours of continuing education every two years. Private industries offer these courses, so the Board is not privy to exact costs.

The cost to obtain continuing education is quite variable depending on the focus of the practitioner and may range anywhere from free to more than $50 per hour. Typically, conferences charge approximately $10 to $15 per continuing education unit (CEU).

While some state licensing boards require licensees to maintain Board of Certification (BOC) certification as a condition of licensure, Iowa does not require continued membership after initial licensure. This certification requires 40 CEU hours every two years. Recertification is $39 for National Athletic Trainers' Association (NATA) members and $55 for nonmembers.

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

The intended benefit of continuing education is to ensure that athletic trainer licensees meet specific continuing education requirements to ensure up-to-date knowledge on practical service-related skills and, as a result, provide high-quality services to Iowans, protecting public health and safety.

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 and may range anywhere from free to more than $50 per hour. Typically, conferences charge approximately $10 to $15 per CEU.

While some state licensing boards require licensees to maintain BOC certification as a condition of licensure, Iowa does not require continued membership after initial licensure. This certification requires 40 CEU hours every two years. Recertification is $39 for NATA members and $55 for nonmembers.

- **Qualitative description of impact:**

There has been a historical belief that continuing education has a public safety benefit because it ensures the licensed professionals are receiving education on up-to-date standards of care and potentially reduces the number of complaints. While there is no evidence to prove this correlation, this has been a long-standing belief that boards around the country have held, as is evidenced by the fact that most other boards around the country require some form of continuing education.

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 at approximately 0.04 full-time equivalent (FTE) position, which includes continuing education. The time needed to manage this provision is generally in the form of responding to questions related to continuing education requirements. This includes answering questions from the public and licensees about practice standards, continuing education, Board meeting administration, etc.

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.

- **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 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. The Board does not recommend a change in continuing education hours at this time. Iowa's continuing education requirements are in line with neighboring states and the BOC certification. Iowa's 40-hour continuing education requirement is consistent with or less than a number of neighboring states, including Missouri, South Dakota, and Minnesota.

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

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

Staff held conversations with members of the Board inquiring whether the Board would recommend lowering the continuing education requirements. The Board lowered the hours in 2023 and does not recommend any additional change in continuing education hours at this time.

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

The Board reduced the number of continuing education hours in 2023. The Board believes 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 it 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 rulemaking relates to public safety concerns that are present whether the business is a small business or a large organization. The rulemaking is meant to ensure public safety. To exempt small businesses from adhering to this rulemaking would jeopardize any member of the public who sought services from those small businesses. The risk to the public is greater than the potential harm or cost to small businesses.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 862.2(4) as follows:

862.2(4) ~~No hours of continuing education shall be carried over into the next biennium except as stated for the second renewal.~~ 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. 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.