Regulatory Analysis

Notice of Intended Action to be published: 481—subrule 902.2(4)
"Continuing Education for Funeral Directors"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 156 and 272C
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 156 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
3:40 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 156 and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. Chapter 902 sets continuing education and training requirements for funeral directors and others employed by the funeral home. 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 Mortuary Science reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 902.2(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 allow funeral directors the ability to carry over up to 12 hours of continuing education earned in excess of the 24 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 but, based on research, estimates that a bundled online course costs approximately $50 every two years for a licensee to meet these requirements. There are multiple entities that provide continuing education courses to licensees.

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 0.29 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 and completing 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 industry organizations, including educational institutions, professional associations, and businesses, offer continuing education courses. The Board does not have data to correlate increased public safety to continuing education hour requirements.

Currently, Iowa requires funeral directors to obtain 24 hours of continuing education every two years. The proposed changes will allow funeral directors to carry over up to 12 hours of continuing education from the prior reporting period if they have hours in excess of the required amount.

- **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 completing courses and potentially save the 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 0.29 FTE position. 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. The Board was not in consensus to reduce the number of continuing education hours and decided to maintain its current standards. The following are the continuing education unit (CEU) requirements from surrounding states:

South Dakota: no CEU requirements.

Kansas: 12 CEUs every two years.
Nebraska: 12 CEUs every two years.
Minnesota: 15 CEUs every two years.
Wisconsin: 15 CEUs every two years.
Illinois: 24 CEUs every two years.

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 discussed reducing continuing education hours but was in consensus on maintaining the current 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?

The Board discussed reducing continuing education hours but was in consensus on maintaining the current number of continuing education hours.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 902.2(4) as follows:

902.2(4) ~~No hours of continuing education will be carried over into the next biennium except as stated in subrule 902.2(2).~~ Up to 50 percent of continuing education hours 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. 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.