Regulatory Analysis

Notice of Intended Action to be published: 481—subrule 962.2(6)
"Continuing Education for Sign Language Interpreters and Transliterators"

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

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 154E 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
11 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 154E and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. Chapter 962 sets forth continuing education and training requirements for sign language interpreters and transliterators. 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 Sign Language Interpreters and Transliterators reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 962.2(6) 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 sign language interpreters and transliterators the ability to carry over up to 20 hours of continuing education earned in excess of the 40 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:**

Licensees are responsible for the cost of continuing education. Private industry organizations offer these courses, so the Board is not privy to exact costs but, based on research, estimates the cost to be around $10 per continuing education unit (CEU) for online courses, all the way up to $60 per CEU.

Quarterly Iowa State Registry of Interpreters for the Deaf workshops are often free, but the yearly conference costs licensees. Conferences tend to cost licensees approximately $20 to $30 per CEU. Some employers also provide CEUs for free. There are multiple entities that provide continuing education courses to licensees, and licensees can select which option they prefer based on cost or modality.

Costs to the agency are for the staff time needed to manage Board activities, which include continuing education. An executive officer supports the full scope of work of this Board at approximately 0.35 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.

- **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 industry organizations, including educational institutions, professional associations, and businesses, offer these courses, so the Board is not privy to exact costs but, based on research, estimates the cost to be around $400 to $2,400 every two years for a licensee to meet these requirements. There are multiple entities that provide continuing education courses to licensees.

The Board does not have data to correlate increased public safety to continuing education hour requirements.

- **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 Board at approximately 0.35 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. 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 reducing 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. Currently, Iowa requires 40 hours of continuing education for these license types every two years. Missouri requires 20, Nebraska requires

24, Kansas requires 30 and Illinois and South Dakota require 40. After discussions with the Board regarding this topic, Board members were not in agreement to reduce the total number of 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 proposed as a result of a legislative mandate.

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

The Board did consider less restrictive alternatives, such as reducing the number of continuing education hours. The Board 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 cost of continuing education is estimated at $10 to $60 per hour. While some sign language interpreters and transliterators are running a small business of their own, some also work for larger businesses or educational institutions. The cost of continuing education could be greater for small business owners since they would be responsible for the entire cost.

Conversely, the entities that provide continuing education may have a negative impact on their revenue due to less demand for entities' continuing education services.

Text of Proposed Rulemaking

ITEM 1. Rescind subrule 962.2(6) and adopt the following **new** subrule in lieu thereof:

962.2(6) 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.