Regulatory Analysis

Notice of Intended Action to be published: 481—subrule 2061.2(1)
"Continuing Education for Hearing Aid Specialists"

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

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 154A 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
10 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:

Jessica O'Brien
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.281.6352
Email: jessica.o'brien@dia.iowa.gov

Purpose and Summary

This proposed rulemaking implements Iowa Code chapter 154A and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. The rulemaking sets forth continuing education and training requirements for hearing aid specialists. The intended benefit of this rulemaking is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans. The Board reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. The subrule is being 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 hearing aid specialists 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. There is a direct cost to the licensee who must pay for the continuing education required. Private industries offer these courses; therefore, the Department is not privy to exact costs. By way of example, Hearing Healthcare Instructional Institute offers continuing education credits for $25 per credit. Currently, Iowa requires 24 continuing education units (CEUs)

per biennium, so licensees may pay approximately $600 per biennium. AudiologyOnline membership is $99 per year and provides access to more than 1,500 audiology CEU courses.

Costs to the agency are the staff time needed to manage licensing activities, 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. An executive officer supports the full scope of work of managing licensing activities at approximately 0.33 full-time equivalent (FTE) position. Staff salaries to support the work of managing licensing activities 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 industries offer these courses, so the Department is not privy to exact costs. By way of example, Hearing Healthcare Instructional Institute offers continuing education credits for $25 per credit. Currently, 24 CEUs are required per biennium, so licensees may pay approximately $600 per biennium. AudiologyOnline membership is $99 per year and provides access to more than 1,500 audiology CEU courses.

- **Qualitative description of impact:**

Licensees will be able to retain excess continuing education credits earned that licensees 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 the staff time needed to manage licensing activities, 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. An executive officer supports the full scope of work of managing licensing activities at approximately 0.33 FTE position, which includes questions from the public and licensees such as practice standards, continuing education, etc.

Staff salaries to support the work of managing licensing activities 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 no anticipated impact on state revenues.

Staff salaries to support the work of managing licensing activities 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 licensees' 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:**

Less restrictive alternatives would be to reduce 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. Iowa recently decreased the amount of continuing education hours needed for renewal. Currently, Iowa requires 24 hours of continuing education every two years. A review of surrounding states indicates that Illinois and Kansas require 20 hours; Nebraska, Missouri and South Dakota require 24; and Minnesota requires 30. 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 being done as a result of a legislative mandate.

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

The Department recently reduced the 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?

Hearing aid specialists 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 the entities' revenue due to less demand for the entities' continuing education services.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 2061.2(1) as follows:

2061.2(1) The biennial continuing education compliance period extends for a two-year period beginning on January 1 of each odd-numbered year and ending on December 31 of the next even-numbered year. Each biennium, each person who is licensed to practice as a hearing aid specialist in this state is required to complete a minimum of 24 hours of continuing education. A minimum of two hours will be in the content areas of Iowa hearing aid specialist law and rules, or ethics. ~~Continuing education hours cannot be carried over to 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. Licensees may apply a maximum of 12 hours from the previous renewal period.