

CHAPTER 46
RULES OF THE BOARD OF EXAMINERS OF
SHORTHAND REPORTERS

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CHAPTER 46 RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

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Rule 46.2 Definitions. In this chapter:

(1) ~~“Certified shorthand reporter”~~ “Certified shorthand reporter” is an individual who has demonstrated by examination administered by the board of examiners that such individual has achieved proficiency in shorthand equivalent in the discretion of the board to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter, namely, the demonstrated ability to write dictated tests at 180 words per minute (question and answer — technical dictation), 200 words per minute (multivoice dictation for transcription or readback), and 225 words per minute (question and answer dictation), or such equivalents thereof as the board may select, each at 95 percent accuracy or better, and demonstrated written knowledge of the reporter’s duties, Iowa legal procedure, and correct English usage at 70 percent accuracy or better. Individuals who hold the designation of Registered Professional Reporter from the National Court Reporters Association by passing ~~said~~ the association’s examination on or after May 1, 1973, and are in good standing with such association, may, upon application to the board of examiners, become certified shorthand reporters upon successfully passing a written examination concerning a reporter’s duties, Iowa legal procedure, and correct English usage at 70 percent accuracy or better.

(2) ~~“Shorthand”~~ “Shorthand” is a method of writing rapidly with stenographic machine by substituting characters, abbreviations, or symbols for letters, words, or phrases.

(3) ~~“Shorthand reporting”~~ “Shorthand reporting” is the professional skill, ~~whose the~~ of which practice by official shorthand reporters and freelance shorthand reporters serves the judicial branch of state government in courts of record, references by such courts or the law, depositions taken by shorthand reporters, or proceedings of like character, with the end in view of ensuring the accuracy and integrity of the record upon which courts rely for evidence, trial, and appellate review.

Rule 46.3 Organization, ~~;~~ meetings, ~~and;~~ information.

46.3(1) The officers of the ~~board shall be~~ Board of Examiners of Shorthand Reporters (board) ~~are~~ a chairperson, selected by the supreme court of Iowa, and a secretary elected at the September meeting, each to serve for a term of one year, or until a successor is elected. Each ~~shall~~ must perform the duties incumbent upon the office.

46.3(2) The board ~~shall~~ must hold regular meetings for examination of applicants and the transaction of other business ~~at least twice per year, on the second Saturday of March and September of each year in Des Moines, Iowa, commencing at 9 a.m., or at such other times or places as the board may hereafter designate.~~ Special meetings may be held upon the call of any two members of the board. A majority of three or more members of the board ~~shall~~ constitute ~~constitutes~~ a quorum. Business ~~shall~~ must not be conducted unless a quorum is present. All actions of the board ~~shall~~ require a simple majority vote of those present.

46.3(3) The board ~~shall~~must; at least 60 days prior to the start of each fiscal year; or on a date otherwise requested by the supreme court submit to the court for consideration and approval a budget; covering the board's operations for the upcoming fiscal year. Approval of the budget by the court ~~shall~~will authorize payment as provided in the budget. A separate bank account designated as the certified shorthand reporter operating account ~~shall~~must be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement ~~shall~~must be deposited in the certified reporter operating account for payment of the board's authorized expenditures.

46.3(4) The director of the office of professional regulation ~~shall~~will serve as the administrator for the board. Information may be obtained from the director at the Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, by mail or in person during office hours.

Rule 46.4 Applications. Candidates for examination ~~shall~~must make written application on the form approved by the board and provided by the board's office. An application must be on file with the administrator at the board's office at least 30 days before the date of the examination, unless the board for good cause shown grants an applicant additional time to file or otherwise waives the 30-day filing deadline. Good cause for this purpose ~~shall~~may include illness, military service, unavoidable casualty or misfortune, or other grounds beyond the control of the applicant. A new application is required for each examination. An applicant to become a certified shorthand reporter ~~shall~~must not be examined until ~~said~~the applicant has satisfied the board that the applicant's educational and special training includes at least one of the following:

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Rule 46.5 Examination.

46.5(1) Applicants ~~shall~~bear required to write shorthand from dictation of regular court proceedings, or such other matter as may be selected by the board of examiners, for such periods as ~~shall~~be required at varying speeds within the standard.

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46.5(3) Applicants ~~shall~~bear required to transcribe such part of the dictation as the board of examiners may indicate.

46.5(4) Applicants ~~shall~~bear required to read aloud such part of the dictated matter as the board of examiners may indicate.

46.5(5) Applicants ~~shall~~bear required to furnish their own equipment and supplies for taking shorthand. Applicants ~~shall~~must make their own transcript on a provided computer or typewriter unless the applicant is otherwise notified.

46.5(6) Upon completion of the examination, all shorthand notes, transcripts, and other papers used in connection with an examination ~~shall~~must be returned to the board.

46.5(7) Testing rules and guidelines of the National Court Reporters Association and the Board of the Academy of Professional Reporters for Registered Professional Reporters ~~shall~~must be used as a guide to procedure.

Rule 46.6 Certification. Each person who has achieved the designation of certified shorthand reporter shall will be issued a certificate by the board ~~of examiners~~. The certificate may be signed by the chairperson and secretary or by all of the board members.

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Rule 46.8 Continuing education requirement.

46.8(1) Units of continuing education credits as approved by the board ~~of examiners of shorthand reporters shall must~~ be completed by each reporter in active practice in Iowa. Failure to comply with the continuing education requirements shall will be grounds for disciplinary action under rule 46.11. In order to comply, a reporter shall must meet the requirements of rule 46.8(1)(a) or 46.8(1)(b):

a. ~~Obtain Continuing education requirements.~~

(1) ~~A reporter must obtain~~ at least three continuing education units (CEUs) within a three-year period by attending or participating in seminars, workshops, or courses, integrally relating to the field of shorthand reporting, and which contribute directly to the professional competency of the shorthand reporter. One hour of continuing education credit ~~shall equals~~ .1 continuing education unit CEU.

(2) Continuing education activities shall must be conducted by individuals who have special education, training, and experience, and the individuals should be considered experts concerning the subject matter of the program. Attendance at any approved national, regional, or state seminar will be acceptable.

(3) ~~Continuing education units CEUs~~ earned in any one reporting period may be carried over for credit in one or more succeeding reporting periods, constituting the three-year period previously provided, but can not be carried over to any successive three-year period.

(4) ~~Commencing October 1, 2002, the~~ The annual reporting cycle shall will run from October 1 through September 30. Continuing education requirements and the three-year reporting cycle for newly certified shorthand reporters will commence October 1 of the year following the year of their certification.

b. ~~Alternative requirements.~~ In lieu of the requirements set forth in rule 46.8(1)(a), the board will accept satisfactory evidence of compliance with the current continuing education requirements of the National Court Reporters Association for retention on its Registry of Professional Reporters.

46.8(2) The board may, in individual cases involving disability, hardship, or extenuating circumstances, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time shall will be granted unless written application is made and signed by the reporter. The board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by such methods as may be prescribed by the board.

46.8(3) Reporters who are not actively engaged in practice may obtain from the board a certificate of exemption from continuing education requirements. Application for such exemption shall must contain a statement that the applicant will not engage in the practice of

shorthand reporting in Iowa without first complying with the regulations governing reinstatement after exemption.

46.8(4) Inactive practitioners who have been granted a certificate of exemption from these regulations ~~shall~~ who have been suspended must, prior to engaging in the practice of shorthand reporting in Iowa, satisfy the following requirements for reinstatement:

a. Submit written application for reinstatement to the board upon forms prescribed by the board together with a reinstatement fee of \$50, ~~and~~.

b. Furnish in the application evidence of one of the following:

(1) Active shorthand reporting in another state of the United States or the District of Columbia and completion of continuing education requirements that are the substantial equivalent to the requirements set forth in these rules for court reporters in Iowa as determined by the board.

(2) Completion of ~~continuing education units (CEUs)~~ CEUs sufficient to satisfy education requirements for the period of inactivity if seeking reinstatement within three years of being granted a certificate of exemption.

(3) Successful passing of either the ~~state~~ State of Iowa's certificate examination or the National Court Reporters Association's examination within one year immediately prior to the submission of such application for reinstatement.

Rule 46.9 Approval of activity. A reporter seeking credit for attendance and participation in an educational activity other than those sponsored or approved by the National or Iowa Court Reporters Associations ~~shall~~ must submit to the board, within 30 days after completion of such activity, a request for credit, including a brief résumé of the activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested ~~therefor~~. Within 60 days after receipt of such application, the board ~~shall~~ must advise the reporter in writing by ~~ordinary~~ electronic mail whether the activity is approved and the number of hours ~~are~~ are allowed ~~therefor~~. A reporter not complying with the requirements of this rule may be denied credit for such activity.

Rule 46.10 Continuing education reports.

46.10(1) On or before December 1 of each year, each reporter ~~shall~~ must file with the board, on forms provided by the board, a signed report concerning completion of continuing education for the prior reporting period. ~~Said~~ The report, along with the annual renewal fee, ~~shall~~ must be ~~sent to the board's office, Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319. The board may prescribe an electronic report form and require submission of the report in that form.~~ submitted and filed electronically using the reporter's account with the office of professional regulation.

46.10(2) All active reporters who fail to file the annual report on or before December 1 of each year ~~shall~~ must pay a penalty of \$100.

Rule 46.11 Penalty for failure to satisfy continuing education requirements. The board may revoke or suspend the license of any reporter who fails to comply with rule 46.10 or who files a report showing a failure to complete the required number of education credits ~~is~~ provided

that at least 30 days prior to the suspension or revocation, notice of the delinquency has been served upon the reporter in the manner provided for the service of original notices in Iowa ~~R. Civ. P.~~ Rule of Civil Procedure 1.305 or has been forwarded to the reporter by restricted certified mail, return receipt requested, addressed to the reporter's last-known address. The reporter ~~shall~~must be given the opportunity during the 30 days to file in the board's office an affidavit establishing that the noncompliance was not willful and tender the documents and sums and penalties which, if accepted, would cure the delinquency. Alternatively, the reporter may file in the board's office a request, in duplicate, for hearing to show cause why the reporter's certificate should not be suspended or revoked. The board ~~shall~~must grant a hearing if requested. If the board orders a suspension or revocation it ~~shall~~must notify the reporter by either of the methods provided above. The suspension or revocation ~~shall~~must continue until the board has approved the reporter's written application for reinstatement.

Rule 46.12 Disciplinary action. The board may, upon its own initiative, ~~or~~ at the request of the ~~supreme court of~~ Iowa Supreme Court, or pursuant to complaint by a third party, begin disciplinary procedures against any reporter for violations of the board rules or the Code of Iowa ~~against any reporter~~.

46.12(1) Charges against a reporter brought by a third party must be in writing, signed by the complainant, filed with the board, and contain substantiating evidence to support the complainant's allegations. The complaint ~~shall~~must include complainant's address and telephone number, be dated, identify the reporter, and give the address and any other information about the reporter ~~which that~~ the complainant may have concerning the matter.

46.12(2) Such complaint, which will be held in confidence as required by law, ~~shall~~must be reviewed by the board. If the board concurs in the seriousness of the allegations made by the complainant, the board ~~shall, in writing, must~~ advise the reporter in writing of the charges involved. The reporter ~~shall have~~has 30 days from the receipt of the board's notice to answer the charges in writing. The reporter may request a personal appearance before the board. The board ~~shall~~must then review again the charges made and determine whether the complaint can be disposed of informally or if contested case proceedings should be commenced.

Rule 46.13 Causes for disciplinary action. The board may revoke or suspend a certificate, or impose any of the disciplinary sanctions included in this chapter for any of the following reasons:

46.13(1) All grounds listed in Iowa Code section 602.3203.

46.13(2) Failure to file an annual report showing satisfaction of the current requirement of continuing education or submission of a false report of continuing education.

46.13(3) Conviction of a misdemeanor related to the profession or occupation of the reporter.

46.13(4) Unless otherwise required by law, a violation of Iowa ~~R. Civ. P.~~ Rule of Civil Procedure 1.713(1) or 1.713(2) in any state, federal, administrative, or other proceeding.

46.13(5) The board's receipt of a certificate of noncompliance from the Child Support Recovery Unit, pursuant to the procedures set forth in Iowa Code chapter 252J.

46.13(6) The board's receipt of a certificate of noncompliance from the Iowa College Student Aid Commission, pursuant to the procedures set forth in Iowa Code chapter 261.

46.13(7) The board's receipt of a certificate of noncompliance from the ~~Centralized-Central~~ Collection Unit of the Iowa Department of Revenue, pursuant to the procedures set forth in Iowa Code chapter 272D.

Rule 46.14 Contested case proceedings.

46.14(1) Contested case proceedings ~~which-that~~ involve possible disciplinary sanctions ~~shall~~must be set for hearing on not less than ~~ten~~10 days' notice to all parties. Notice of hearing ~~shall~~must be in writing and ~~shall~~must be served either by personal service or certified mail, return receipt requested.

46.14(2) The notice ~~shall~~must include all of the following information:

- a. A statement of the time, place, and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the statutes and rules involved.
- d. A concise statement of the matters asserted, or if the board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.

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46.14(6) After the conclusion of a hearing, the board ~~shall~~must take any of the actions set forth in rule 46.15. The board's actions ~~shall~~must be set forth in writing, and a copy of the conclusions and decisions ~~shall~~must be served upon all parties and the ~~supreme court of Iowa~~ Supreme Court. The board may permit a reasonable time for the parties to file posthearing briefs and arguments. The report of the board ~~shall~~must be made within 60 days after the date set for the filing of the last responsive brief and argument. If the board cannot reasonably make its determination or file its report within such time limit, it ~~shall~~must report that fact and the reasons therefor to the parties and to the clerk of the supreme court. Any determination or report of the board need only be concurred in by a majority of the board members sitting, and any member has the right to file a dissent from the majority determination or report.

46.14(7) Procedures for the handling of all contested case proceedings ~~shall~~are governed, to the extent not specifically set forth in this chapter, ~~be governed~~ by the Iowa Administrative Procedure Act.

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Rule 46.16 Military service and veteran reciprocity.

46.16(1) *Definitions.* In this rule:

a. ~~“Military service”~~ “Military service” means honorably serving: in federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. section 10101.

b. ~~“Military service applicant”~~ “Military service applicant” is an individual requesting credit toward certification for military education, training, or service obtained or completed in military service.

c. ~~“Veteran”~~ “Veteran” is an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

46.16(2) Military education, training, and service credit. A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for certification by submitting a military service application to the board office.

a. The application may be submitted with an application for certification or examination or prior to an applicant's applying for certification or to take an examination. No fee is required for submission of an application for military service credit.

b. The applicant must identify the experience or educational certification requirement to which the credit would be applied if granted. Credit may not be applied to an examination requirement.

c. The applicant must provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant's Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (~~VMET~~) (DD Form 2586).

d. Upon receipt of a completed military service application, the board will promptly determine whether the verified military education, training, or service satisfies all or any part of the identified experience or educational qualifications for certification.

e. The board will grant the application in whole or in part if the board determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for certification.

f. The board will inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for certification, or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.

g. A military service applicant aggrieved by the board's decision may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision. No fees or costs may be assessed against the military service applicant in connection with a contested case conducted pursuant to this rule 46.16(2).

h. The board will grant or deny the military service application prior to ruling on the application for certification. The applicant is not required to submit any fees in connection with the certification application unless the board grants the military service application. If the board does not grant the military service application, the applicant may withdraw the certification application or request that the application be placed in pending status for up to one year or as mutually agreed. Withdrawal of a certification application does not preclude subsequent applications supported by additional documentation or information.

46.16(3) Veteran reciprocity.

a. A veteran with an unrestricted professional certificate as a shorthand reporter in another jurisdiction may apply for certification in Iowa through reciprocity. A veteran must pass any examinations required for certification to be eligible for certification through reciprocity and will be given credit for examinations previously passed when consistent with board rules on examination requirements. A veteran's fully completed application for certification submitted under rule 46.16(3) will be expedited and given priority.

b. A veteran's application for certification must contain all of the information required of all applicants for certification who hold unrestricted certificates in other jurisdictions and who are applying for certification by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant must use the same forms as any other applicant for certification by reciprocity and must additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2).

c. Upon receipt of a fully completed certification application, the board will promptly determine if the professional or occupational licensing requirements of the jurisdiction where the veteran is certified are substantially equivalent to the certification requirements in Iowa. The board will make this determination based on information the applicant supplies and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examination required for certification.

d. The board will promptly grant a certificate to the veteran if the applicant is certified in the same or similar profession in another jurisdiction whose certification requirements are substantially equivalent to those required in Iowa and the applicant has passed the written examination administered by the board pursuant to rule 46.5(2), unless the applicant is ineligible for certification based on other grounds, such as the applicant's disciplinary or criminal background.

e. If the board determines that the certification requirements in the jurisdiction in which the veteran is certified are not substantially equivalent to those required in Iowa, the board will promptly inform the veteran of the additional experience, education, or examinations required for certification in Iowa.

f. Unless the applicant is ineligible for certification based on other grounds, such as disciplinary or criminal background, the following apply:

(1) If a veteran has not passed the required examinations for certification, the applicant may not be issued a provisional certificate but may request that the certification application be placed in pending status for up to one year or as mutually agreed to provide the veteran with the opportunity to satisfy the examination requirements.

(2) If additional experience or education is required for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional certificate for a specified period of time during which the applicant will successfully complete the necessary experience or education. The board may issue a provisional certificate for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare, or safety of the public, unless the board determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a provisional certificate is granted.

(3) If a request for a provisional certificate is denied, the board will issue an order fully explaining the decision and inform the applicant of the steps the applicant may take to receive a provisional certificate.

(4) If a provisional certificate is issued, the application for full certification will be placed in pending status until the applicant successfully completes the necessary experience or education or the provisional certificate expires, whichever occurs first. The board may extend a provisional certificate on a case-by-case basis for good cause.

f.g. A veteran who is aggrieved by the board's decision to deny an application for a reciprocal certificate or a provisional certificate, or who is aggrieved by the terms under which a provisional certificate will be granted, may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision. No fees or costs will be assessed against the veteran in connection with a contested case conducted pursuant to this rule 46.16(3).

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Rule 46.17 Certification by reciprocity.

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46.17(7) The certification requirements of another jurisdiction are substantially equivalent to those of Iowa, if in that jurisdiction an individual must demonstrate by examination, administered by the licensing authority of the jurisdiction, proficiency in stenographic shorthand equivalent to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter.