



State of Nevada
Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of
LCB No. R140-17
of the
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board will hold a Public Hearing at 4:30 p.m. on Friday, April 20, 2018 at the Board Administrative Offices, 6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523 with teleconference access at 1-877-810-9415, Access Code 8997531.

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to R140-17, Chapter 637B of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

LCB File No. R140-17

1. The need and purpose of the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent speech-language pathologists, audiologists and hearing aid specialists are licensed in the state.
2. The proposed regulation establishes examination requirements for a hearing aid specialist or dispensing audiologist for renewal of a temporary license; establishes examination requirements for a hearing aid specialist for renewal of provisional license; exempts a hearing aid apprentice from in-service training requirements under certain circumstances; and provides other matters relating thereto.
3. Estimated economic effect of regulations on business and the public
 - a. Adverse and beneficial effects

The adoption of these regulations should have no adverse economic effect on business, the public or practitioners of speech-language pathology, audiology or the fitting and dispensing of hearing aids. The benefits of these regulations are that the public and the practitioners will be provided clarity in NAC 637B.

b. Immediate and long-term effects

The immediate and long-term effects of the regulations proposed in R140-17 will be clarity and consistency in regulation and licensing of speech-language pathologists, audiologists and hearing aid specialists in Nevada.

4. Cost for enforcement of the regulations

There are no additional costs involved in enforcing the proposed regulations.

5. Overlap or duplication of other state or local governmental agencies or federal regulation

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities or federal regulation.

6. Regulation required by federal law - Not applicable

7. More stringent than federal regulations - The Board is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

8. New or increases in existing fees - The proposed regulations do not include new or increases in existing fees.

Persons wishing to comment on the proposed action of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board may appear at the scheduled public hearing or address their comments, data, views or arguments in written form to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, P.O. Box 34540, Reno, Nevada 89533. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board must receive all written submissions on or before April 20, 2018. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted, LCB File No. R140-17, will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, LCB File No. R140-17, will be available from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, PO Box 34540, Reno, Nevada 89523, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. The proposed regulations are also available for review and download on the Board website www.nvspeechhearing.org.

Upon adoption of any regulations, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This **Notice of Hearing** has been posted at the following locations:

Carson City Library
900 North Roop Street
Carson City, NV 8701

Lincoln County Library
63 Main Street
Pioche, NV 89043

Churchill County Library
553 South Main Street
Fallon, NV 89406

Lyon County Library System
20 Nevin Way
Yerington, NV 89447

Las Vegas-Clark County Library District
Headquarters
833 Las Vegas Blvd. North
Las Vegas, NV 89101

Mineral County Public Library
110 1st Street
Hawthorne, NV 89415

Douglas County Public Library
1625 Library Lane
Minden, NV 89423

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419

Elko County Library
720 Court Street
Elko, NV 89801

Storey County Treasurer & Clerk's Office
Drawer D
Virginia City, NV 89440

Esmeralda County Library
Corner of Crook & 4th Street
PO Box 430
Goldfield, NV 89013

Tonopah Public Library
P.O. Box 449
Tonopah, NV 89049

Eureka County Library
10190 Monroe Street
Eureka, NV 89316

Washoe County Library System
301 South Center Street
Reno, Nevada 89049

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

White Pine County Library
950 Campton Street
Ely, NV 89301

Battle Mountain Branch Library
625 South Broad Street
Battle Mountain, NV 89820

Office of the Attorney General
200 North Carson Street
Carson City, NV 8701

Grant Sawyer State Office Building
555 E. Washington Ave #3900
Las Vegas, NV 89101

Speech-Language Pathology, Audiology and
Hearing Aid Dispensing Board
6160 Mae Anne Ave., Suite 3
Reno, Nevada 89523

Office of the Attorney General
5420 Kietzke Lane, Ste 202
Reno, Nevada 89511

Dated: March 20, 2018

**PROPOSED REGULATION OF THE
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY
AND HEARING AID DISPENSING BOARD**

LCB File No. R140-17

December 22, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted-material~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 637B.132, 637B.191 and 637B.194; §4, NRS 637B.132, 637B.194 and 637B.235.

A REGULATION relating to professions; requiring a hearing aid specialist or dispensing audiologist to satisfy certain requirements relating to the issuance and renewal of a temporary license; requiring certain persons to satisfy certain requirements before a provisional license may be renewed; exempting an apprentice hearing aid specialist from participating in certain in-service training; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to adopt any regulations that are necessary to carry out the provisions governing audiologists, speech-language pathologists and hearing aid specialists. (NRS 637B.132) Existing law additionally requires the Board to adopt regulations regarding the practice of fitting and dispensing hearing aids, including regulations governing: (1) the licensing of hearing aid specialists and apprentices; (2) the educational and training requirements for hearing aid specialists and apprentices; (3) the examination concerning the practice of fitting and dispensing hearing aids; and (4) a program of in-service training for apprentices. (NRS 637B.194)

Existing law requires the Board to adopt regulations that set forth the manner in which a license or endorsement issued to an audiologist, speech-language pathologist or hearing aid specialist must be renewed. (NRS 637B.191) Existing law authorizes the Board to issue a temporary license to engage in the practice of fitting and dispensing hearing aids to any person who: (1) meets all the qualifications of a hearing aid specialist or dispensing audiologist; and (2) has not passed the examination concerning the practice of fitting and dispensing hearing aids.

Existing law further sets forth that a temporary license: (1) is valid for not more than 6 months; and (2) may be renewed not more than once. (NRS 637B.200) **Section 2** of this regulation requires: (1) a hearing aid specialist or a dispensing audiologist to take the examination concerning the practice of fitting and dispensing hearing aids within 6 months after being issued a temporary license by the Board; and (2) the Board to renew the temporary license for an additional 6 months if a hearing aid specialist or dispensing audiologist has taken but not passed the examination. **Section 2** further requires the temporary license to expire and not to be renewed or reissued by the Board if a hearing aid specialist or dispensing audiologist does not take the examination.

Existing law authorizes the Board to issue a provisional license to engage in the practice of fitting and dispensing hearing aids to a person who: (1) holds a license to engage in the practice of fitting and dispensing hearing aids in another state; and (2) is completing the training required for certification by the National Board for Certification in Hearing Instrument Sciences. Existing law further sets forth that a provisional license may be renewed not more than twice. (NRS 637B.201) **Section 3** of this regulation authorizes the Board to renew a provisional license to engage in the practice of fitting and dispensing hearing aids issued to certain persons if the person has not: (1) completed the training required for certification by the National Board for Certification in Hearing Instrument Sciences; or (2) achieved a passing score on the National Competency Examination. **Section 3** further requires the Board to not renew a provisional license if a person who have been issued a provisional license has: (1) completed the training required for certification; and (2) failed to apply to take the National Competency Examination.

Existing law requires the Board to adopt regulations setting forth the: (1) requirements for the supervision of a licensed apprentice; and (2) responsibilities of the apprentice and sponsor. (NRS 637B.235) Existing regulations: (1) create a program of in-service training in which an apprentice hearing aid specialist must participate; and (2) require the in-service training to consist of an academic and a work experience portion. (Section 4 of LCB File No. R129-15) **Section 4** of this regulation exempts an apprentice hearing aid specialist from the in-service training requirements if the apprentice hearing aid specialist: (1) holds an associate's degree in hearing instrument sciences; or (2) successfully completes a program of education or training in hearing instrument sciences which is approved by the Board.

Section 1. Chapter 637B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A hearing aid specialist or dispensing audiologist must take the written portion and the practical portion of the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to NRS 637B.194 and section 3 of LCB File No.*

R129-15 within 6 months after the Board issues a temporary license to engage in the practice of fitting and dispensing hearing aids to the hearing aid specialist or dispensing audiologist pursuant to NRS 637B.200.

2. Except as otherwise provided in subsection 3, the Board will renew a temporary license to engage in the practice of fitting and dispensing hearing aids, which has been issued to a hearing aid specialist or dispensing audiologist pursuant to NRS 637B.200, for an additional 6 months if the hearing aid specialist or dispensing audiologist has:

(a) Taken the examination required pursuant to subsection 1; and

(b) Not achieved a passing score on the written portion or the practical portion of the examination.

3. If a hearing aid specialist or dispensing audiologist does not take the examination required pursuant to subsection 1 within the prescribed time, the temporary license expires and will not be renewed or reissued by the Board.

Sec. 3. 1. Except as otherwise provided in subsection 2, the Board may renew a provisional license to engage in the practice of fitting and dispensing hearing aids, which has been issued to a person pursuant to NRS 637B.201, if the person has not:

(a) Completed the training required for certification by the National Board for Certification in Hearing Instrument Sciences;

(b) Achieved a passing score on the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board; or

(c) Completed the training pursuant to paragraph (a) and achieved a passing score on the examination pursuant to paragraph (b).

2. The Board will not renew a provisional license which has been issued to a person who has:

(a) Completed the training required for certification by the National Board for Certification in Hearing Instruments Sciences; and

(b) Failed to apply to take the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences , or its successor organization, or another comparable examination approved by the Board, at least 60 days before the expiration of the provisional license.

Sec. 4. Section 4 of LCB File No. R129-15 is hereby amended to read as follows:

Sec. 4. 1. ~~The~~ *Except as otherwise provided in subsection 3, the* in-service training of a person who has been issued an apprentice license by the Board pursuant to section 27 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2299 (NRS 637B.195), must consist of:

- (a) An academic portion, as set forth in section 5 of this regulation; and*
- (b) An on-site training and work experience portion which is competency-based, as set forth in section 6 of this regulation.*

2. An apprentice shall participate in the in-service training set forth in subsection 1 under the direct supervision of a sponsor for a minimum of 2 years and, in accordance with section 31 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2300 (NRS 637B.238),

may not serve as an apprentice for more than 3 years without passing the examination set forth in section 3 of this regulation.

3. An apprentice is not required to participate in the in-service training required by this section if the apprentice:

(a) Holds an associate's degree in hearing instrument sciences which is approved by the National Board for Certification in Hearing Instrument Sciences; or

(b) Successfully completes a program of education or training in hearing instrument sciences which is approved by the Board.

