



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

NOTICE OF PUBLIC MEETING

Advisory Committee on Fitting and Dispensing Hearing Aids

Wednesday, August 11, 2021 ~ 4:00pm

Location

Board Office ~ 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523

Supporting materials relating to this meeting will be physically available but in an effort to reduce costs and preserve resources, attendees are encouraged to access electronic copies on the Board's website at <https://www.nvspeechhearing.org/about/Minutes.asp>

Teleconference Access

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<https://us02web.zoom.us/j/81547250790?pwd=dWlIWmxkS251dTM4bE9UeFR5RmpWUT09>

AUDIO ONLY BY TELEPHONE: (253) 215-8782

Meeting ID: 815 4725 0790 Passcode: 880024

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AGENDA

The **ADVISORY COMMITTEE ON FITTING AND DISPENSING HEARING AIDS** of the **NEVADA SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD** may: (a) address agenda items out of sequence (b) combine agenda items or (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030). Action by the Committee on any item may be to approve, deny, amend, or table.

1. Call to Order, Confirmation of Quorum

2. Public Comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

3. Approval of the Minutes: Advisory Committee on Fitting and Dispensing Hearing Aids of January 8, 2020 (for possible action)

4. Discussion of Cerumen Management (Earwax Removal) and Ear Lavage Regulations, and Practice Updates Following COVID-19 (for possible action)

5. Discussion on Ear Scanning for Digital Earmold Impressions and Persons Authorized to Conduct These Procedures

(for possible action)

6. Update and Discussion on FDA Approval of Over-the-Counter Hearing Aids

(for possible action)

7. Review and Discussion of Recommendations for Potential Revisions to NAC 637B Related to Fitting and Dispensing Hearing Aids

- a. NAC 637B.0355(1)(b) Requiring NBC-HIS Certification for HAS Apprentice Applicants;
- b. NAC 637B.0396 Requirements for HAS Apprentice Sponsor;
- c. NAC 637B.0442 Delegation of duties by hearing aid specialist or dispensing audiologist to unlicensed office assistant, aide or technician;
- d. Other sections as suggested by the Committee or Board Staff.

(for possible action)

8. Public Comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

9. Adjournment

(for possible action)

Public comment is welcomed by the Committee. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. A public comment time will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda. At the discretion of the President, additional public comment may be heard when that item is reached. The Board Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. (NRS 241.020, NRS 241.030)

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. (NRS 233B.126)

Persons with disabilities who require special accommodations or assistance at the meeting should contact the Board office at (775) 787-3421 or email at board@nvspeechhearing.org no later than 48 hours prior to the meeting. Requests for special accommodations made after this time frame cannot be guaranteed.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:

**Nevada Speech-Language Pathology,
Audiology and Hearing Aid Dispensing Board
Administrative Office**
6170 Mae Anne Avenue, Suite 1
Reno, Nevada 89523

**Nevada Speech-Language Pathology,
Audiology and Hearing Aid Dispensing Board
Website**
www.nvspeechhearing.org

**State of Nevada Public Notice
Website**
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This agenda has been sent to all members of the Committee and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice must request so in writing on an annual basis.

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Anyone desiring additional information regarding the meeting is invited to call the Board office at (775) 787-3421.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 1

Call to Order, Confirmation of Quorum

Call to Order, Confirmation of Quorum.

ACTION: Meeting called to order.

ATTACHMENT(S): None.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board
Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 2

Public Comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020).

ACTION: None – INFORMATIONAL ONLY

ATTACHMENT(S): None.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board
Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 3

Approval of the Minutes: Advisory Committee on Fitting and Dispensing Hearing Aids of January 8, 2020

The minutes of the meeting of January 8, 2020 meeting are presented for approval.

ACTION: Approve, table, or take no action on the matter.

ATTACHMENT(S):

1. 2020 1 8 Minutes ~ Not Yet Approved

Minutes have not yet been approved and are subject to revision at the next meeting.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

MINUTES OF PUBLIC MEETING

Advisory Committee on Fitting and Dispensing Hearing Aids

January 8, 2020

Members Present: Michael Hodes; Thomas Rainford; Nanci Campbell; Jennifer Joy-Cornejo; Melissa Maestas

Members Absent: None

Staff Present: Jennifer Pierce, Executive Director; Stacey Whittaker, Licensing Coordinator; Henna Rasul, Sr. Deputy Attorney General

Public Present: None

Call to Order, Confirmation of Quorum

Michael Hodes called the meeting to order at 4:00pm. A roll call confirmed a quorum was present.

Public Comment

There were no public comments.

Approval of the Minutes

Michael Hodes called for a motion. Melissa Maestas made the motion, seconded by Thomas Rainford to approve the minutes of January 11, 2019. The motion passed.

Update on Durable Medical Equipment Tax Exemption

Jennifer Pierce provided an update on Senate Bill 447 regarding the exemption of sales and use tax on durable medical equipment. Ms. Pierce confirmed that the measure did pass, but that hearing aids were not covered as durable medical equipment per the definition of "Durable Medical Equipment detailed in Section 2.1.(d) as "Is not worn in or on the body;". There was some discussion about historical attempts to have hearing aids included as durable medical equipment and concern that Nevada is one of the only states that taxes hearing aids. As this is an informational item, there was no action taken but consensus was that the issue was worth continuing to discuss. Michael Hodes will provide an update to the Board at its next meeting during the Advisory Committee report-out.

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Audiology Patient Choice Act

Jennifer Pierce provided an update on the Audiology Patient Choice Act for which the Committee had recommended the Board send an official letter of support. The Act did not pass in the 2019 session of Congress, and Ms. Pierce was able to determine that a letter of support was not sent, as there was some confusion about where it should go.

IHS Practical Exam Content Feedback

The Committee discussed the questions sent to the Board by IHS with a request for feedback on the content of their practical exam. There was general discussion about how the exam is administered and debate on the use of a model ear versus a live test subject and how students learn in educational programs. Since the questionnaire is extensive, it was suggested that the Committee members respond individually. Michael Hodes called for a motion for each Committee member to complete the questionnaire and submit it to the Board office by the end of this month. Thomas Rainford made the motion, seconded by Jennifer Joy-Cornejo. The motion passed.

IHS Practical Exam *Proctor Agreement and Confidentiality Form*

Jennifer Pierce introduced this item as a sample form that may be adopted as part of a policy the Committee could recommend to the Board along with the next two agenda items. Currently, several members of the Board and Advisory Committee serve as proctors for the IHS practical exam, yet the demand is sometimes more than the current proctors have capacity for. Board staff have identified a need to use proctors who are not already formally associated with the Board as members or Advisory Committee members. Ms. Pierce suggested that the Committee could recommend the Board consider a formal policy around Practical Examinations that would include procedures for establishing an agreement between the Board and any proctor who administers exams. Michael Hodes called for a motion for the Committee to recommend the Board consider a policy around Practical Examinations that would include procedures for establishing a formal agreement/relationship between the Board and any proctor who is contracted to administer exams. Thomas Rainford made the motion, seconded by Jennifer Joy-Cornejo. The motion passed.

IHS Practical Exam *Test Subject Informed Consent*

Jennifer Pierce introduced this item for consideration to develop a *Test Subject Informed Consent form* in relation to a policy around Practical Exams that the Committee could recommend to the Board. Currently, examinees are required to bring a test subject with them, i.e. a relative or friend who has agreed to accompany them and have their ear(s) used for the exam. In some cases, when an examinee must travel for the exam or cannot locate a test subject, Board staff have agreed to sit as test subjects. Additionally, examinees may or may not hold a license at the time of the exam. There is inherent risk to the test subject as the examinee must perform specific tasks in and around the test subject's ear, leading to potential liability issues for the Board, the exam proctor, and the examinee. The Committee agreed that this is an area of concern and it would be prudent to ensure that informed consent and waiver of liability is documented with each test subject. Michael Hodes called for a motion to recommend that the Board consider a policy

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around Practical Exams that includes obtaining informed consent and waiver of liability from the test subject. Thomas Rainford made the motion, seconded by Melissa Maestas. The motion passed.

IHS Practical Exam Retake Policy

Jennifer Pierce explained that there was discussion around the regulation of practical exams during the October 18, 2019 Board Meeting with agreement to continue the discussion in future meetings. This item is on the January 22, 2020 Board Meeting agenda and was included in this meeting's agenda so the Committee could consider and formulate recommendations from the perspective of fitting and dispensing hearing aids. The October 2019 discussion included discussion of whether the Board should impose a waiting period in-between exam attempts and a set maximum number of attempts allowed.

The Committee discussed instances where examinees have deliberately scheduled exams back-to-back as a failsafe in the event they did not pass on the first attempt, or those who took the exam within hours or a day after the first attempt. There is concern that this practice allows for an examinee to become familiar with the exam format and pass on the retest because they crammed the unknown information. Stacey Whittaker shared that in the surrounding states, only Utah imposes a waiting period, allowing three (3) attempts with a 30 day wait in between the first and the next two, then 120 days after the third failed attempt. They do not limit the number of attempts a person can make.

The Committee's concern is whether too many attempts, or attempts too close together allows for practitioners who are not fully competent to pass not on their own merits, but by virtue of having the exam fresh in their minds and being able to quickly study the areas they did poorly on. This could ultimately impact public health and safety if unqualified practitioners are licensed and practicing.

The exam process is currently outlined in NAC 637B.0373. The Committee asked whether there was time to submit a new revision to the NAC and Ms. Pierce indicated there was, and that all new regulation requests must be submitted by June 2020. The Committee agreed that this was a matter of importance that the Board should consider at its January 22, 2020 meeting. It was suggested that the Committee recommend the Board consider a proposed revision to NAC 637B.0373(4) that would include a restriction for an examinee to wait 30 days between exam attempts.

Michael Hodes called for a motion to recommend that the Board consider a draft regulation change to NAC 637B.0373(4) with language requiring an examinee to wait 30 days between exam attempts. Thomas Rainford made the motion, seconded by Nanci Campbell. The motion passed.

Jurisprudence Exam

Jennifer Pierce explained that during the October 18, 2019 Board Meeting, the Board approved initiating the process to draft several new or revised regulations, one of which gives the Board authority to implement a Jurisprudence Examination as part of the licensure process. There was additional discussion about how this would be implemented and it was understood that the Advisory Committee had briefly discussed this matter in the past. It was agreed to continue the discussion in

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future meetings. This item was included so the Committee could continue discussion of the exam and how it might be developed.

Proposed Legislation

The Committee discussed the following two proposed NRS revisions that are on the Board's January 22, 2020 meeting agenda for a work session to identify priorities for the 2021 legislative session. These items were included in the Committee's agenda so that it could consider and formulate recommendations from the perspective of fitting and dispensing hearing aids:

- *NRS 637B.238 Apprentices: The proposed revision would add a provision for a 1-year extension of an apprentice license in order to pass the examinations required for a hearing aid specialist license.*
On October 18, 2019 the Board recommended referring this matter to the Advisory Committee for discussion and feedback. The Committee discussed when and why allowing an Apprentice an additional year would be necessary or useful, given that the current law allows an Apprentice three (3) full years to pass the examinations, between the two (2) years of on-site training and two (2) renewals currently allowed. While the NCBIS requires an examinee to hold a current state license, the practical exam does not. There was also discussion around how the Board might define "good cause" and the subjectivity of such a requirement if that was included in deciding to allow an additional year. Ms. Whittaker also reported that the Board has historically received very few requests for this.

Ms. Pierce reminded the Committee that any new legislation would require a Bill Draft and likely extensive work and cost to pursue during a legislative session. It was agreed that the Committee should recommend the Board not pursue this revision, as there is little evidence that it is an area of need and there are likely more important priorities to pursue.

Michael Hodes called for a motion to recommend that the Board not pursue this as a legislative priority. Thomas Rainford made the motion, seconded by Jennifer Joy-Cornejo. The motion passed.

- *NRS New - Speech-Language Pathologist Assistant, Audiologist Assistant*
On October 18, 2019 the Board discussed options for potential legislation to pursue in the 2021 session and will continue the discussion at its January 22, 2020 Board Meeting. The Committee acknowledged that the use of audiology assistants is emerging in many national discussions, and questioned what tasks an audiology assistant would perform, specific to hearing aids. They may be involved in the cleaning and repairing of hearing aids, possibly some programming or testing, but the consensus was that likely there would be no contact with patients. Currently NAC 637B.0442 outlines the "Delegation of duties by hearing aid specialist or dispensing audiologist to unlicensed office assistant, aide, or technician." Ms. Pierce explained the new ASHA certification program and that this would require a revision to the NRS to establish new license types for assistants. The Committee agreed that it would be beneficial to the Board to stay on top of these emerging roles and consider legislation in this area. The Committee also felt it would be beneficial to establish an audiology subcommittee to draft scope of practice guidelines for audiology

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assistants. Michael Hodes called for a motion to recommend creation of a subcommittee to explore Audiology assistant licensing. Nanci Campbell made the motion, seconded by Melissa Maestas. The motion passed.

Public Comment

There were no public comments.

Adjournment

The meeting adjourned at 5:16pm.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board
Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 4

Discussion of Cerumen Management (Earwax Removal) and Ear Lavage Regulations, and Practice Updates Following COVID-19

Discussion of Cerumen Management (Earwax Removal) and Ear Lavage Regulations

Neither our NRS or NAC specifically allow or prohibit cerumen management by Hearing Aid Specialists, nor is it included in the NRS definitions of a *Hearing Aid Specialist* (NRS 637B.045) or the *Practice of Fitting and Dispensing Hearing Aids* (NRS 637B.055), though it is specifically included in the *Practice of Audiology* (NRS 637B.050).

The attached *IHS Position Statement on the Practice of Hearing Aid Dispensing* includes “administering cerumen management in the course of examining ears, taking ear impressions and/or fitting of hearing aids” in its scope of practice for Hearing Aid Specialists.

A bill was [recently proposed in Tennessee](#) that would allow a Hearing Aid Specialist to engage in cerumen management in the course of fitting hearing aids provided they had completed an approved cerumen management course. The bill passed the state House of Representatives unanimously with the support of audiology, otolaryngology, and hearing aid specialists but did not make it through the Senate in time and is expected to come back up in 2022.

This issue has been raised somewhat frequently as the Board Office receives requests for guidance and reviews related complaints. This may be a matter for recommendation to the Board regarding potential NRS revisions in a future legislative session to clarify this practice.

Practice Updates Following COVID-19

This item is included for discussion of practice updates following work that may have been curtailed due to COVID-19.

ACTION: Approve, table, or take no action on the matter.

ATTACHMENT(S):

1. *IHS Position Statement on the Practice of Hearing Aid Dispensing*

International Hearing Society Position Statement on the Practice of Hearing Aid Dispensing

The International Hearing Society maintains that the following services are considered within the scope of practice of hearing aid specialists and comprise the practice of hearing aid dispensing, in a manner consistent with federal, state or provincial law:

- eliciting patient case histories;
- performing comprehensive hearing evaluations, including administering otoscopy and performing tympanometry;
- administering and interpreting tests of human hearing;
- referring as appropriate for cochlear implant evaluation or other clinical, rehabilitative, or medical interventions;
- determining candidacy for hearing aids, tinnitus management devices, and other assistive listening devices;
- providing hearing aid, tinnitus management device, and assistive device recommendation and selection;
- performing hearing aid fittings, programming, and adjustments;
- assessing hearing aid efficacy utilizing appropriate fitting verification methodology;
- performing hearing aid repairs;
- Administering cerumen management in the course of examining ears, taking ear impressions and/or fitting of hearing aids;
- taking ear impressions and preparing, designing, and modifying ear molds;
- providing counseling and aural rehabilitation services;
- providing supervision and in-service training of those entering the dispensing profession;
- providing hearing health education;
- providing community services, such as in hearing conservation programs, school testing programs, and/or working with organizations serving individuals with hearing loss, and the deaf; and
- providing assistive technologies for public and private individuals, classrooms, and vocational needs.

Hearing aid specialists work with physicians, including otolaryngologists and geriatricians, and allied professionals, such as audiologists, occupational therapists, public health nurses, and others, on the community healthcare team.

Approved by the Board of Governors on April 26, 2013.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board
Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 5

Discussion on Ear Scanning for Digital Earmold Impressions and Persons Authorized to Conduct These Procedures

Recent advancements in technology now allow providers to produce ear molds by taking digital scans of a patient's ears rather than making an impression of the ear canal and outer ear with molding compound. This process has been touted as safer in reducing risk of injury to the ears, time-saving and cost-effective in shipping and handling impressions, and reduces the frequency of remakes and returns.

However, questions have arisen around who may conduct these scans and whether it requires a licensed professional, due to the low risk to the patient.

Our NRS definition of the *Practice of Fitting and Dispensing Hearing Aids (NRS 637B.055(1))* includes "making impressions for earmolds" in the scope of practice for Fitting and Dispensing Hearing Aids.

The *IHS Position Statement on the Practice of Hearing Aid Dispensing* includes "taking ear impressions and preparing, designing, and modifying ear molds" in its scope of practice for Hearing Aid Specialists.

Both sets of language likely pre-date the technology to create digital ear scans and assumes ear molds are being made using traditional methods.

NAC 637B.0442 allows a Hearing Aid Specialist or Dispensing Audiologist to delegate specific duties to an unlicensed office assistant, aide, or technician. Making earmold impressions is not included, and "conducting any activity involving direct physical contact with a client and a hearing-related procedure or instrument" is specifically prohibited.

This item is presented for the Committee's discussion and possible recommendation.

ACTION: Take action, table the matter, or take no action.

ATTACHMENT(S):

1. *IHS Position Statement on the Practice of Hearing Aid Dispensing* – see Agenda Item 4



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board
Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 6

Update and Discussion on FDA Approval of Over-the-Counter Hearing Aids

The FDA Reauthorization Act of 2017 directed the FDA to develop regulations that would make Over-the-Counter (OTC) hearing aids available to the public by 2020 but this process was delayed due to the COVID-19 pandemic. The FDA now plans to address this item during the current rulemaking session. It is expected that new regulations will be published in 2022, at which time OTC hearing aids are expected to become available to the public.

Prior discussions have surmised that OTC hearing aids are a “non-issue” for Hearing Aid Dispensers, as they have effectively already been on the market for many years and would not significantly impact business, and in some cases could create a new line of business for those who choose to carry them.

On July 9, 2021, President Biden signed an Executive Order which included a directive to the Department of Health and Human Services to consider issuing proposed rules within 120 days for allowing hearing aids to be sold over the counter. *“The executive order said that the four largest hearing aid manufacturers now control 84% of the market and that hearing aids, which cost more than \$5,000 per pair, are “so expensive that only 14% of the approximately 48 million Americans with hearing loss use them.”*

<https://www.medtechdive.com/news/biden-order-takes-aim-at-high-cost-of-hearing-aids-calls-for-otc-sales/603114/>

Several prominent organizations have issued position statements on the issue (see attachments). AAA is working closely to assist in the development of regulations, IHS *“strongly opposes the sale of hearing aids directly to a consumer through the internet or mail order sales”*, and a joint statement from the ADA, AAA, AAOHNS, and ASHA *cites “concerns about the use of consumer-administered hearing tests and the direct sale of hearing aids to the consumer without the involvement of a licensed hearing health professional – an audiologist, hearing aid specialist, or otolaryngologist”*.

This item is presented as a review for the Advisory Committee to discuss any potential impact or concerns for the Board or licensees on this issue.

ACTION: Take action, table the matter, or take no action.

ATTACHMENT(S):

1. AAA Media Statement on OTC Hearing Aids
2. International Hearing Society Position Statement on the Sale of Hearing Aids Direct to Consumers through the Internet or Mail Order
3. Joint Statement on Consumer-Administered Hearing Tests and Direct-to-Consumer Hearing Aid Sales



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Reston, VA 20191 www.audiology.org

Over-the-Counter (OTC) Hearing Aids Media Statement

Board Approved April 13, 2021

The American Academy of Audiology has proactively provided recommendations and has been actively involved in the development of proposed regulations by the FDA for over-the-counter hearing aid sales in the U.S., as authorized by legislation passed in 2017. The Academy was actively engaged in helping to shape authorizing legislation and has shared recommendations for the forthcoming regulations.

According to the U.S. Dept. of Health & Human Services' NIH/NIDCD, approx. 28.8 million U.S. adults could benefit from hearing aids. The Academy is hopeful that many of these consumers suffering from hearing loss will seek the assistance of an audiologist and when deemed to be appropriate, will either try over-the-counter hearing aids and/or consider devices that are recommended, prescribed, and verified by an audiologist.

It is important to understand that hearing loss is more complex than a lack of volume; thus, management of hearing loss is best after a comprehensive hearing assessment conducted by an audiologist. Audiologists are highly educated to determine the cause of hearing loss, refer for medical intervention when necessary, and implement an effective management plan, which often is more than simply increasing the volume through a device.

Audiologists will continue to be a critical component in the management of hearing loss. When the proposed regulations are published, the Academy will move quickly to respond with feedback and guidance to help ensure the final regulation maximizes patient safety and satisfaction.

For more information, contact Vicki Bendure, at Bendure Communications.
540-687-3360 or Vicki@BendurePR.com

International Hearing Society
Position Statement on the Sale of Hearing Aids
Direct to Consumers through the Internet or Mail Order

The International Hearing Society (IHS) strongly opposes the sale of hearing aids directly to a consumer through the internet or mail order sales. It is the position of IHS that the public is best-served by adherence to Federal and State laws that require consumers receive a hearing evaluation and be fitted and dispensed a hearing aid only by a properly-licensed hearing aid specialist¹, audiologist, or otolaryngologist. Purchasing a hearing aid over the internet or through the mail without personal and continued involvement by a hearing health professional places consumers at risk of missed pathology, purchasing a hearing aid unnecessarily, purchasing a less than optimal device, further hearing damage due to an improperly programmed device, and little to no consumer protections or support/counseling services.

A hearing health professional conducts an in person, comprehensive hearing evaluation to determine the nature of one's hearing loss and affirm that hearing loss can be aided through the use of hearing aids, as well as screen for conditions that require referral to a physician as prescribed by the Food and Drug Administration (FDA).² Federal law also requires a prospective purchaser to receive a medical evaluation by a physician, preferably an otologist or otolaryngologist, during the six months preceding the purchase date "to assure that all medically treatable conditions that may affect hearing are identified and treated before the hearing aid is purchased."^{3,4} Hearing loss may be the symptom of a condition that cannot be detected through the use of an on-line, phone-based, or written hearing test such as acoustic neuroma, Meniere's disease, or obstruction of the external ear canal. Nor can an online, phone-based, or written hearing test appropriately capture the nature of the hearing loss, which may be sensorineural (cochlear &/or neural damage), or conductive (obstruction, perforation, or bone-related), or mixed. Therefore, hearing loss screening requires, by necessity, a visual examination of the ear by a properly-licensed professional and a comprehensive hearing evaluation.

Professionals engaged in hearing aid dispensing are uniquely trained and qualified to provide hearing evaluations; recommend, fit, and dispense hearing aids; and provide ongoing counseling. Advances in hearing testing and hearing aid technology allow hearing aids to be programmed to address an individual's unique hearing loss. Appropriately-programmed hearing aids, along with ongoing patient counseling, fitting, and adjustments, are essential to maximizing one's success with hearing aids and living with hearing loss.

In addition, the purchase of a hearing instrument through the internet or mail order may bypass the laws pertaining to the fitting of hearing instruments in the state where the patient lives, bypassing all of the consumer protection that those laws provide.

For these reasons, IHS strongly encourages those with hearing loss to see a licensed hearing aid specialist, audiologist, or otolaryngologist for evaluation of their hearing loss and to explore possible options that may help, which may (or may not) include the use of hearing aids or other assistive devices.

Approved by the Board of Governors on March 12, 2012.

¹ Dispenser

² 42 CFR § 801.421

³ 42 CFR § 801.421

⁴ Adults may sign a waiver to forgo the medical evaluation; children may not.



Joint Statement on Consumer-Administered Hearing Tests and Direct-to-Consumer Hearing Aid Sales

The Academy of Doctors of Audiology (ADA), American Academy of Audiology (AAA), American Academy of Otolaryngology-Head and Neck Surgery (AAO-HNS), the American Speech-Language-Hearing Association (ASHA), and International Hearing Society (IHS) stand together, committed to increasing awareness of the benefits of amplification, and to finding safe and effective solutions that help the 75% of consumers who could benefit from hearing aids but cannot afford to purchase them or have chosen not to use them.

While we appreciate the desire of persons, companies, and organizations to reach more individuals in need of hearing aids, our organizations believe that patients must have access to a comprehensive hearing evaluation performed by a hearing health professional, be appropriately fitted by an individual licensed/registered in the state to dispense hearing aids, and have access to auditory rehabilitation and counseling to ensure appropriate fit and use of the hearing aid device. We urge all persons, companies, and organizations who are interested in assisting patients to work with the hearing health community in ensuring that patients have access to the professional services of all qualified hearing health professionals.

Federal and state laws related to the dispensing of a hearing aid are currently in place to protect and ensure consumer safety. Regulations issued by the Food and Drug Administration require that patients under the age of 18 receive a medical evaluation by a licensed physician prior to the purchasing of a hearing aid from a dispenser. A medical evaluation by a licensed physician is also recommended for adults prior to a hearing aid purchase. Many state laws also recognize the importance of consumer protection and safety by placing restrictions on the dispensing of hearing aids by direct mail and/or the internet.

All of our organizations have both health and efficacy concerns about the use of consumer-administered hearing tests and the direct sale of hearing aids to the consumer without the involvement of a licensed hearing health professional – an audiologist, hearing aid specialist, or otolaryngologist. We encourage our respective members and other hearing health care providers to work collaboratively to ensure patient safety and enhance consumer protections related to the purchase of hearing aids and related devices.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board
Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 7

Review and Discussion of Recommendations for Potential Revisions to NAC 637B Related to Fitting and Dispensing Hearing Aids

The following sections of NAC 637B have been identified for discussion, but others may also be appropriate for review if there are suggestions.

The Committee should also be aware that during its July 21, 2021 meeting, the Board voted to revise NAC 637B.400 to reduce the required number of annual Continuing Education hours for all licensees from 15 to 10. Revisions will also align with CE recommendations from credentialing organizations such as ASHA, AAA, HIS, and NBC-HIS. Revised language will be presented at the October 2021 meeting for approval, and changes will be initiated during the administrative rulemaking process in 2022.

a. NAC 637B.0355(1)(b) Requiring NBC-HIS Certification for HAS Apprentice Applicants

This citation is highlighted in the attached NAC in yellow.

This section is brought to the Committee's attention for a review of this requirement, as there have been handful of recent HAS Apprentices whose licenses have expired and as a result, were unable to continue pursuit of a Standard HAS License. NRS 637B.238 limits the apprenticeship to three years as follows: "A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to NRS 637B.194.)" NBC-HIS exam candidates must hold a current state license in addition to other requirements to be eligible to sit for the exam, and Nevada is one of only a few states that requires NBC-HIS Certification for HAS licensure. Once the Apprentice license expires, the candidate is no longer eligible to apply to sit for the exam, even if they have completed the apprenticeship and passed the written ILE exam.

Many Apprentices complete the written/practical exams and earn NBC-HIS certification and successfully convert to a Standard HAS license within the three-year limit. Removing NBC-HIS certification would also not guarantee successful completion of the written and practical exams. Anecdotally, we can report that those for whom this has been an issue have either 1) waited until late into the third year to begin the exam process, and/or 2) did not pass the written exam on the first attempt.

It is not suggested that the Committee recommend a change at this time, but as this regulation has been questioned by some Apprentices, it is timely for the Committee to review.

b. NAC 637B.0396 Qualifications to act as sponsor of apprentice; limitation on number of apprentices or sponsors; and

NAC 637B.0398 Duties of sponsor; review of work; direct supervision not required for certain duties; prohibition on operating office or satellite office without approval of Board.

This citation is highlighted in the attached NAC in blue.

This section is presented for the Committee to consider recommending whether a sponsor must be a Nevada resident. It should be noted that this NAC was revised in June 2020 to add that the sponsor "Be employed by the same employer as the apprentice during the term of the on-site training and work



State of Nevada

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experience portion of the in-service training of the apprentice.” (This does not show in the attachment as the change has yet been codified.)

NAC 637B.0398(5)(a) requires that the Sponsor be physically on-site at the same location as the Apprentice during the first year of in-service training, however the next sentence, (b) removes this requirement and allows for “*daily communication*”.

There is no recommendation on this item.

c. NAC 637B.0442 *Delegation of duties by hearing aid specialist or dispensing audiologist to unlicensed office assistant, aide or technician.*

*This citation is highlighted in the attached NAC in **green**.*

This section is presented for the Committee to consider recommending the addition or deletion of allowed or prohibited duties that may be delegated to an unlicensed office assistant, aide, or technician. For example, a prior agenda item in this meeting focused on digital ear scanning by an unlicensed person for ear mold impressions. As the Board’s discussion around Audiology Assistants has been tabled as a standing agenda item for the time being, and due to other issues such as digital ear scanning, the Committee may be interested in recommending changes to this section.

There is no recommendation on this item.

ACTION: Take action, table the matter, or take no action on the request.

ATTACHMENT(S):

1. NAC 637B

[Rev. 9/25/2018 2:01:01 PM]

[NAC-637B Revised Date: 9-18]

CHAPTER 637B - AUDIOLOGISTS, SPEECH-LANGUAGE PATHOLOGISTS AND HEARING AID SPECIALISTS

GENERAL PROVISIONS

| | |
|---------------------------|--|
| 637B.001 | Definitions. |
| 637B.0015 | “Applicant” defined. |
| 637B.0025 | “Board” defined. |
| 637B.003 | “Client” defined. |
| 637B.0045 | “Licensee” defined. |
| 637B.008 | “Standard license” defined. |
| 637B.011 | Authority to use designation related to degree of doctor of audiology. |

SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD

| | |
|--------------------------|--|
| 637B.025 | Executive Director and staff: Appointment; duties; salary. |
| 637B.030 | Schedule of fees. |

ADVISORY COMMITTEE ON FITTING AND DISPENSING HEARING AIDS

| | |
|--------------------------|--|
| 637B.033 | Creation; number of members; terms; reappointment. |
| 637B.034 | Membership; qualifications; chair; duties; quorum; compensation. |

LICENSING; APPRENTICES

| | |
|---------------------------|---|
| 637B.035 | Application: Payment of fee. |
| 637B.0355 | Application: Attachment of transcript and other proof of qualifications; provision of additional information. |
| 637B.036 | Expiration and renewal of standard or provisional license; combined application for renewal of license as audiologist and speech-language pathologist. |
| 637B.0363 | Renewal of provisional license to engage in practice of fitting and dispensing hearing aids. |
| 637B.0364 | Retroactive renewal of standard or provisional license. |
| 637B.0365 | Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application. |
| 637B.0368 | Conversion of standard license to inactive status; duty of holder of inactive license to obtain continuing education; renewal of inactive license; conversion of inactive license to active status. |
| 637B.037 | Application for license expired 3 years or more. |
| 637B.0373 | Examination for license to engage in practice of fitting and dispensing hearing aids: Contents; eligibility; passing score; authorization to retake upon payment of fee. |
| 637B.0374 | Temporary license to engage in practice of fitting and dispensing hearing aids issued to hearing aid specialist or dispensing audiologist: Requirement to take examination; renewal; expiration. |
| 637B.0375 | Alteration of license or license card prohibited. |
| 637B.038 | Practice under any name under which licensee does not hold license prohibited; change of name; issuance of duplicate license. |
| 637B.0385 | Information to be maintained with Board; notices provided to licensee by Board. |
| 637B.039 | Verification of license by Board upon request of licensee. |
| 637B.0391 | In-service training for apprentices: General requirements; direct supervision; exemption from participation. |
| 637B.0392 | In-service training for apprentices: Contents and approval of academic training; maintenance of list of approved programs. |
| 637B.0394 | In-service training for apprentices: Requirements for on-site training and work experience; core competencies; review and documentation of progress; report and proof of compliance. |
| 637B.0396 | Qualifications to act as sponsor of apprentice; limitation on number of apprentices or sponsors. |
| 637B.0398 | Duties of sponsor; review of work; direct supervision not required for certain duties; prohibition on operating office or satellite office without approval of Board. |

PROFESSIONAL CONDUCT AND STANDARDS OF PRACTICE

| | |
|---------------------------|--|
| 637B.042 | Professional responsibility. |
| 637B.044 | Responsibility to client. |
| 637B.0442 | Delegation of duties by hearing aid specialist or dispensing audiologist to unlicensed office assistant, aide or technician. |
| 637B.0444 | Requirements concerning waiver by client of medical evaluation. |
| 637B.0446 | Case history and minimum procedures required for prospective candidate for hearing aid; exception. |
| 637B.0448 | Duties of hearing aid specialist or dispensing audiologist concerning hearing aid he or she sells or fits. |
| 637B.045 | Preparation and retention of health care records and other records. |
| 637B.046 | Grounds for disciplinary action: Unprofessional conduct. |

[637B.048](#)**Grounds for disciplinary action: “Professional incompetence” interpreted.**[637B.090](#)**Address for written communications and documents to Board. [Replaced in revision by [NAC 637B.700](#).]**[637B.380](#)**Petitions. [Replaced in revision by [NAC 637B.710](#).]**[637B.390](#)**Decision by Board. [Replaced in revision by [NAC 637B.715](#).]**

CONTINUING EDUCATION

[637B.400](#)**Requirements for renewal of standard or provisional license; records; audits; excess credits may not be carried forward.**[637B.403](#)**Requirements for holder of standard or provisional license; exception for first renewal of license.**[637B.420](#)**Acceptable activities, courses, seminars, workshops and similar functions; limitations on credit; written request for approval of other continuing education.**[637B.430](#)**Waiver of requirements; additional time for completion if waiver not granted.**

PRACTICE BEFORE THE BOARD

[637B.700](#)**Address for written communications and documents to Board.**[637B.705](#)**Board authorized to act on own motion; petition to request adoption, amendment or repeal of regulation or for formal hearing; contents and filing of petition.**[637B.710](#)**Petition for declaratory order or advisory opinion: Submission.**[637B.715](#)**Petition for declaratory order or advisory opinion: Meeting and decision by Board; service of denial and other correspondence.**[637B.720](#)**Filing or initiation of complaint against licensee; contents; review; complaint filed against apprentice.**[637B.730](#)**Conduct of hearing in contested case.**[637B.735](#)**Recovery of attorney’s fees and costs.**[637B.740](#)**Fees and reimbursement for mileage for witnesses.**

GENERAL PROVISIONS

NAC 637B.001 Definitions. ([NRS 637B.132](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 637B.0015](#) to [637B.008](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Exam’rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, 2-27-2018)

NAC 637B.0015 “Applicant” defined. ([NRS 637B.150](#)) “Applicant” means a person who applies for any privilege, license, approval or authority from the Board.

(Added to NAC by Bd. of Exam’rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)

NAC 637B.0025 “Board” defined. ([NRS 637B.132](#)) “Board” means the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board.

(Added to NAC by Bd. of Exam’rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

NAC 637B.003 “Client” defined. ([NRS 637B.132](#)) “Client” means a person who receives services from an audiologist, speech-language pathologist or hearing aid specialist.

(Added to NAC by Bd. of Exam’rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

NAC 637B.0045 “Licensee” defined. ([NRS 637B.132](#)) “Licensee” means any person who holds a license as an audiologist, speech-language pathologist or hearing aid specialist pursuant to [chapter 637B](#) of NRS.

(Added to NAC by Bd. of Exam’rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

NAC 637B.008 “Standard license” defined. ([NRS 637B.132](#)) “Standard license” means a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids that is not a provisional license, a temporary license or a limited license.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, eff. 4-4-2016 & R129-15, eff. 6-28-2016)

NAC 637B.011 Authority to use designation related to degree of doctor of audiology. ([NRS 637B.150](#)) A person who has obtained a degree of doctor of audiology from an accredited college or university

may refer to himself or herself as a “doctor of audiology” and use the corresponding initials “Au.D” or “Ph.D.”
(Added to NAC by Bd. of Exam’rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)

SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD

NAC 637B.025 Executive Director and staff: Appointment; duties; salary. ([NRS 637B.150](#)) The Board may:

1. Appoint an Executive Director and employ such staff as it deems necessary to carry out its duties;
2. Establish the duties of the Executive Director and the staff; and
3. Fix the salaries of the Executive Director and the staff.

(Added to NAC by Bd. of Exam’rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014)

NAC 637B.030 Schedule of fees. ([NRS 637B.132](#), [637B.175](#)) The Board will charge and collect the following fees:

| | |
|--|-------|
| Application fee..... | \$150 |
| Fee for a standard license or provisional license..... | 100 |
| Fee for a temporary license..... | 50 |
| Fee for a limited license..... | 25 |
| Fee for renewal of a standard license or provisional license..... | 100 |
| Fee for renewal of a temporary license..... | 50 |
| Reinstatement fee for a standard license or provisional license expired 30 days or more..... | 100 |
| Reinstatement fee for a standard license or provisional license expired less than 30 days..... | 75 |
| Examination fee..... | 200 |
| Fee for converting to a different type of license..... | 50 |
| Fee for each additional license or endorsement..... | 50 |
| Fee for obtaining license information..... | 50 |

(Added to NAC by Bd. of Exam’rs for Audiology & Speech Path., eff. 6-20-90; A 11-15-95; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)

ADVISORY COMMITTEE ON FITTING AND DISPENSING HEARING AIDS

NAC 637B.033 Creation; number of members; terms; reappointment. ([NRS 637B.132](#)) The Advisory Committee on Fitting and Dispensing Hearing Aids is hereby created. The Committee consists of not less than three and not more than five members appointed by the Board for a term of 2 years. Members may be reappointed to serve additional terms at the discretion of the Board.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, eff. 2-27-2018)

NAC 637B.034 Membership; qualifications; chair; duties; quorum; compensation. ([NRS 637B.132](#))

1. The Advisory Committee on Fitting and Dispensing Hearing Aids is composed of the following members:

(a) At least two members of the Board, one of whom must represent dispensing audiologists and one of whom must represent hearing aid specialists; and

(b) Not more than three additional members who are dispensing audiologists or hearing aid specialists or any combination thereof.

2. Each member of the Committee must be a dispensing audiologist or hearing aid specialist licensed pursuant to [chapter 637B](#) of NRS, as applicable, at the time of his or her appointment and must maintain current licensure with the Board.

3. The Committee shall select a Chair from among the members of the Committee who are members of the Board.

4. The Committee shall make recommendations to the Board on all matters relating to the fitting and dispensing of hearing aids, including, without limitation:

(a) Regulations governing the fitting and dispensing of hearing aids;

(b) A program of apprenticeship for the fitting and dispensing of hearing aids;

(c) Examinations and passing scores for written and practical examinations for the fitting and dispensing of hearing aids; and

(d) Investigations of complaints relating to the fitting and dispensing of hearing aids.

5. A quorum of the Committee is three members, at least one of whom must be a member of the Board.
 6. Each member of the Committee who is not a member of the Board serves without compensation.
- (Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, eff. 2-27-2018)

LICENSING; APPRENTICES

NAC 637B.035 Application: Payment of fee. ([NRS 637B.132](#), [637B.160](#), [637B.175](#), [637B.191](#), [637B.194](#))

1. Any person seeking licensure by the Board or seeking to renew, reinstate or change the type of a license issued by the Board must submit a completed application on a form provided by the Board.
 2. Each application submitted pursuant to subsection 1 must be accompanied by payment of any fee prescribed by [NAC 637B.030](#).
- (Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by R034-13, 3-28-2014; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

NAC 637B.0355 Application: Attachment of transcript and other proof of qualifications; provision of additional information. ([NRS 637B.132](#), [637B.160](#), [637B.191](#), [637B.194](#))

1. An applicant who is required to provide the Board with:
 - (a) An official transcript from an educational program shall ensure that a sealed, official transcript is:
 - (1) Attached to his or her application; or
 - (2) Sent directly from the educational program to the Board.
 - (b) Proof satisfactory of his or her certification by the American Board of Audiology, the American Speech-Language-Hearing Association or the National Board for Certification in Hearing Instrument Sciences, or a successor organization, shall ensure that a copy of the certification is:
 - (1) Attached to his or her application; or
 - (2) Sent directly from the certifying organization to the Board.
 - (c) Proof of a license obtained in another state, territory or country shall provide such proof for any license presently held and any license held during the 5 years immediately preceding the date of application.
 2. If an applicant is required to pass an examination or complete continuing education for the issuance, renewal, reinstatement or to change the type of a license, the applicant must provide to the Board with his or her application proof that he or she has passed the examination or completed the continuing education, as applicable.
 3. An applicant shall include with his or her application any additional information that the Board may require.
 4. After an application is submitted to the Board, the Board may require an applicant to provide additional information or appear before the Board or one of its members for an oral interview before issuing, renewing, reinstating or converting the status of a license.
- (Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

NAC 637B.036 Expiration and renewal of standard or provisional license; combined application for renewal of license as audiologist and speech-language pathologist. ([NRS 637B.132](#), [637B.160](#), [637B.191](#), [637B.194](#))

1. Each standard and provisional license issued by the Board, including, without limitation, each standard license that has been converted to inactive status, expires 1 year after the date on which the license was issued.
 2. An application to renew a license will not be approved unless the application is submitted not later than 30 days after the date on which the license expired.
 3. An application for renewal of a license as an audiologist and a license as a speech-language pathologist may be submitted on a single application.
 4. An application for the renewal of a provisional license as a hearing aid specialist for a second time must include proof that the licensee has applied 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.
- (Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

NAC 637B.0363 Renewal of provisional license to engage in practice of fitting and dispensing hearing aids. ([NRS 637B.132](#), [637B.191](#), [637B.194](#))

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.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R140-17, eff. 5-16-2018)

NAC 637B.0364 Retroactive renewal of standard or provisional license. ([NRS 637B.132](#), [637B.191](#), [637B.194](#)) A standard license or provisional license that has been expired less than 30 days may be renewed retroactively to the date of expiration of the license if the licensee satisfies all requirements for renewal of the license and pays the reinstatement fee prescribed by [NAC 637B.030](#).

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.0365 Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application. ([NRS 637B.132](#), [637B.160](#), [637B.175](#), [637B.191](#), [637B.194](#))

1. An applicant for reinstatement of his or her license shall include with the application for reinstatement:

(a) Proof satisfactory that the applicant has completed the continuing education that is required of a licensee for the year immediately preceding the application for reinstatement.

(b) The fees imposed by the Board pursuant to [NRS 637B.175](#) for the reinstatement of a license.

(c) Proof satisfactory of his or her certification by the American Board of Audiology, the American Speech-Language-Hearing Association or the National Board for Certification in Hearing Instrument Sciences or a successor organization, as applicable.

2. The reinstatement of a license that has been expired for 30 days or more must not be retroactive.

3. An application to reinstate a license must be submitted not later than 3 years after the date on which the license expired.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

NAC 637B.0368 Conversion of standard license to inactive status; duty of holder of inactive license to obtain continuing education; renewal of inactive license; conversion of inactive license to active status. ([NRS 637B.132](#), [637B.191](#), [637B.194](#))

1. A licensee who holds a standard license that is not suspended, revoked or otherwise restricted may convert his or her license to inactive status by submitting with his or her application to renew the license:

(a) A written request to convert the license to inactive status; and

(b) An attestation that he or she will no longer practice or represent to others that he or she is authorized to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State after the license has been converted to inactive status.

2. A licensee who holds a standard license that is on inactive status shall comply with the requirements for continuing education that apply to a licensee who holds a standard license that is on active status.

3. A standard license that is on inactive status must be renewed in the manner prescribed in [NAC 637B.035](#), [637B.0355](#) and [637B.036](#).

4. A person may convert the status of a standard license from inactive to active at any time by submitting to the Board a written request, an application pursuant to [NAC 637B.035](#) and any materials required pursuant to [NAC 637B.0355](#).

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, eff. 4-4-2016)

NAC 637B.037 Application for license expired 3 years or more. ([NRS 637B.150](#)) If a person's license has been expired for 3 years or more, he or she must apply for a license as an applicant for an original license.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014)

NAC 637B.0373 Examination for license to engage in practice of fitting and dispensing hearing aids: Contents; eligibility; passing score; authorization to retake upon payment of fee. (NRS 637B.132, 637B.175, 637B.191, 637B.194)

1. The examination prescribed by the Board pursuant to [NRS 637B.194](#) must consist of a written portion and a practical portion. The examination may also include a portion that tests the familiarity of an applicant with the provisions of this chapter and [chapter 637B](#) of NRS and all other federal laws and regulations relevant to the practice of fitting and dispensing hearing aids in this State.

2. To be eligible to take the examination set forth in subsection 1, an applicant must:

(a) File a completed application with the Executive Director of the Board; and

(b) Pay the examination fee prescribed by [NAC 637B.030](#).

3. The Board will establish the passing score for the examination set forth in subsection 1.

4. If an applicant does not achieve a passing score on the examination set forth in subsection 1, as established by the Board pursuant to subsection 3, he or she may retake the examination upon payment of the examination fee prescribed by [NAC 637B.030](#).

5. The Board may approve and accept a passing score obtained on a written examination taken within the immediately preceding 12 months if the examination taken by the applicant was substantially the same as the written portion of the examination prescribed by the Board.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.0374 Temporary license to engage in practice of fitting and dispensing hearing aids issued to hearing aid specialist or dispensing audiologist: Requirement to take examination; renewal; expiration. (NRS 637B.132, 637B.191, 637B.194)

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 [NAC 637B.0373](#) 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.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R140-17, eff. 5-16-2018)

NAC 637B.0375 Alteration of license or license card prohibited. (NRS 637B.150) A licensee shall not alter a license or license card issued by the Board.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014)

NAC 637B.038 Practice under any name under which licensee does not hold license prohibited; change of name; issuance of duplicate license. (NRS 637B.132, 637B.194)

1. A licensee shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids under any name under which the licensee does not hold a license issued by the Board.

2. If a licensee changes his or her legal name after the issuance of his or her license, the licensee shall submit a copy of a marriage certificate or court decree to the Board not later than 30 days after the change. The Board will, upon receiving sufficient evidence that a licensee has changed his or her legal name, issue a new license with the licensee's legal name thereon.

3. The Board may issue a duplicate license to any licensee who certifies that his or her license has been lost or destroyed.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

NAC 637B.0385 Information to be maintained with Board; notices provided to licensee by Board. (NRS 637B.150)

1. Each licensee shall:

(a) Maintain with the Board the licensee's current residential address, business address or other contact information, including, without limitation, the telephone number and electronic mail address of the licensee, if available.

(b) Notify the Board of any change in the information maintained pursuant to paragraph (a) not later than 30 days after the change.

2. Except as otherwise provided in subsection 3, the Board will provide by United States mail to the last known residential address of the licensee provided pursuant to paragraph (a) of subsection 1 any notice to a licensee that is required by law or regulation.

3. The Board may provide a notice to a licensee by electronic mail upon the prior written consent of the licensee.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014)

NAC 637B.039 Verification of license by Board upon request of licensee. (NRS 637B.150) A person may request that the Board verify his or her license to another organization or to the licensing authority of another state or territory of the United States by submitting a written request for verification to the Board.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014)

NAC 637B.0391 In-service training for apprentices: General requirements; direct supervision; exemption from participation. (NRS 637B.132, 637B.194, 637B.235)

1. 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 [NRS 637B.195](#) must consist of:

(a) An academic portion, as set forth in [NAC 637B.0392](#); and

(b) An on-site training and work experience portion which is competency-based, as set forth in [NAC 637B.0394](#).

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 [NRS 637B.238](#), may not serve as an apprentice for more than 3 years without passing the examination set forth in [NAC 637B.0373](#).

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.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016; A by R140-17, 5-16-2018)

NAC 637B.0392 In-service training for apprentices: Contents and approval of academic training; maintenance of list of approved programs. (NRS 637B.132, 637B.194, 637B.235)

1. The academic portion of the in-service training of an apprentice required by [NAC 637B.0391](#) must be specific to the training and education necessary to perform competently the duties and responsibilities necessary for the practice of fitting and dispensing hearing aids and must include, without limitation, training and education concerning:

(a) Laws and rules relating to ethics;

(b) Federal laws and rules governing hearing aids;

(c) Infection controls;

(d) Basic hearing science;

(e) Hearing instrument science and fitting practices; and

(f) Audiometric testing and masking.

2. Except as otherwise provided in subsection 3, a customized program of academic training and a proposed curriculum must be submitted to the Board for evaluation and approval.

3. A program of academic training accepted by the National Board for Certification in Hearing Instrument Sciences, the International Hearing Society or an accredited institution of higher education that meets the minimum requirements of subsection 1 does not require the approval of the Board.

4. The Board will maintain a list of approved programs of academic training.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.0394 In-service training for apprentices: Requirements for on-site training and work experience; core competencies; review and documentation of progress; report and proof of compliance. (NRS 637B.132, 637B.194, 637B.235)

1. The on-site training and work experience portion of the in-service training of an apprentice required by [NAC 637B.0391](#) must consist of a minimum of 16 hours per week and 30 weeks per year and may be completed in conjunction with the academic portion of the in-service training set forth in [NAC 637B.0392](#).

2. The on-site training and work experience portion must include, without limitation, the evaluation of the apprentice's achievement of core competencies concerning:

- (a) Sanitation protocols;
- (b) The identification and documentation of the needs of a client;
- (c) Visual inspections of the ear and otoscopic examinations;
- (d) Audiometric testing;
- (e) The results of hearing evaluations;
- (f) Ear impressions, preparations and molds;
- (g) Physical and electronic checks of hearing aids;
- (h) The fitting, programming, troubleshooting, adjusting and repairing of hearing aids; and
- (i) Client documentation.

3. An apprentice and his or her sponsor shall jointly:

- (a) Review the progress of the apprentice in achieving each core competency set forth in subsection 2; and
- (b) Document the proficiency of the apprentice in each core competency, by signature and date, on a form provided by the Board.

4. The Board may require a sponsor to provide to the Board:

- (a) A report on the training of and core competencies achieved by an apprentice; and
- (b) Proof of compliance with the supervisory responsibilities of the sponsor.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.0396 Qualifications to act as sponsor of apprentice; limitation on number of apprentices or sponsors. ([NRS 637B.132](#), [637B.194](#), [637B.235](#))

1. To be eligible to act as a sponsor of an apprentice, a hearing aid specialist or dispensing audiologist must:

- (a) Hold a standard license that is on active status;
- (b) Have experience as a hearing aid specialist or dispensing audiologist for a minimum of 3 years; and
- (c) Be in good standing with the Board and have no record of disciplinary action.

2. A hearing aid specialist or dispensing audiologist shall not sponsor more than two apprentices at one time, and an apprentice shall not have more than two sponsors at one time.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.0398 Duties of sponsor; review of work; direct supervision not required for certain duties; prohibition on operating office or satellite office without approval of Board. ([NRS 637B.132](#), [637B.194](#), [637B.235](#))

1. A sponsor of an apprentice shall:

- (a) Except as otherwise provided in subsection 3, provide direct supervision to the apprentice;
- (b) Determine the competency level of the apprentice to perform tasks relating to fitting and dispensing hearing aids;

- (c) Evaluate the work of the apprentice;
- (d) Document the training provided to and the direct supervision of the apprentice; and
- (e) Provide written notification to the Board if:

- (1) The apprentice is no longer under the sponsorship of the sponsor;
- (2) The apprentice withdraws from or terminates his or her in-service training;
- (3) The sponsor withdraws as a sponsor for the apprentice;

(4) The apprentice has completed 1 year of in-service training under the direct supervision of the sponsor and the sponsor believes that the apprentice is competent to work without physical on-site supervision; or

(5) The apprentice successfully completes all the requirements for in-service training.

2. All work completed by an apprentice must be reviewed daily and signed by the sponsor and the apprentice.

3. An apprentice is not required to be under the direct supervision of a sponsor when performing any of the duties that may be delegated to an office assistant, aide or technician pursuant to subsection 1 of [NAC 637B.0442](#).

4. An apprentice shall not maintain, run or operate an office or a satellite office in which hearing aids are fitted and dispensed without the approval of the Board.

5. As used in this section, "direct supervision" means:

(a) During the first year of the in-service training of an apprentice, being physically on-site at the same location as the apprentice.

(b) After the first year of the in-service training of an apprentice and upon attaining the approval of the Board, daily communication with the apprentice without the requirement of being physically on-site at the same location as the apprentice.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

PROFESSIONAL CONDUCT AND STANDARDS OF PRACTICE

NAC 637B.042 Professional responsibility. ([NRS 637B.132](#)) A licensee:

1. Shall not misrepresent, in advertising or otherwise, his or her education, training, type of license or certificate, qualifications, competence or service, or the results to be achieved if he or she provides service to a client.
2. Shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids while the licensee is impaired by:
 - (a) Alcohol, drugs or any other chemical; or
 - (b) A mental or physical condition that prevents him or her from safely engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.
3. Shall not use his or her relationship with a client to further his or her own personal, religious, political or business interests.
4. Shall set and maintain professional boundaries with clients, interns and persons with whom the licensee works.
5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally provided.
6. Except as otherwise provided in subsection 7, shall not disparage the qualifications of any colleague.
7. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of audiology, speech-language pathology or fitting and dispensing hearing aids that is occurring.
8. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his or her field of competence, the scope of the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or the scope of his or her license or certificate.
9. Shall base his or her practice upon the recognized knowledge relevant to audiology, speech-language pathology or fitting and dispensing hearing aids.
10. Shall critically examine and keep current with emerging knowledge relevant to the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.
11. Based upon recognized knowledge and standards for the practice of audiology, speech-language pathology or fitting and dispensing hearing aids, shall prepare and maintain in a timely manner a record for each of his or her clients which:
 - (a) Sets forth his or her assessment of the problems of the client, plan of action for the client, course of treatment to that client and progress notes regarding the course of treatment of the client; and
 - (b) Includes copies of other relevant documentation, including, without limitation:
 - (1) All documents relating to the informed consent given by the client;
 - (2) All documents relating to the release of information regarding the client; and
 - (3) All other legal documents regarding the client.

➔ As used in this subsection, "assessment" means an evaluation of the client that is based upon comprehensive information about the client.
12. Shall complete and submit any reports required by this chapter and [chapter 637B](#) of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.
13. Shall comply with the provisions of this chapter and [chapter 637B](#) of NRS and all other applicable federal laws and regulations.
14. Shall not authorize a person under the supervision of the licensee to perform services that are outside of the scope of the license, certificate, training or experience of the person performing the services, or allow such a person to hold himself or herself out as having expertise in a field or activity in which that person is not qualified.
15. Shall notify the Board in writing within 10 days after:
 - (a) An action is taken against any license, certification, registration or other credential held by the licensee that was issued by another state or territory of the United States;
 - (b) A criminal charge is filed against the licensee;
 - (c) The licensee is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;
 - (d) A civil action, including, without limitation, an action for malpractice, is filed against the licensee; or
 - (e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the licensee for any act relating to the practice of audiology, speech-

language pathology or fitting and dispensing hearing aids.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)

NAC 637B.044 Responsibility to client. (NRS 637B.132)

1. A licensee shall serve his or her clients with professional skill and competence.
 2. If a licensee must act on behalf of a client who has been declared to be incompetent or if a client is otherwise found by the Board to be incapable of acting in his or her own best interest, the licensee shall safeguard the interests and rights of that client.
 3. If another person has been legally authorized to act on behalf of an incompetent client, a licensee shall deal with the legal representative of the client in accordance with the best interest of the client.
 4. A licensee shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, social, economic, health or marital status, political belief, diagnosis or physical disability, or on the basis of any preference or personal characteristic, condition or status of a person.
 5. A licensee shall not misrepresent to a client the efficacy of his or her service or the results to be achieved.
 6. A licensee shall apprise each of his or her clients of the risks, rights, opportunities and obligations, financial or otherwise, associated with the provision of services to the client for audiology, speech-language pathology or fitting and dispensing hearing aids.
 7. A licensee shall seek the advice and counsel of his or her colleagues and supervisors when such a consultation is in the best interest of the client.
 8. A licensee shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs of the client.
 9. A licensee shall not withdraw his or her services precipitously, except under unusual circumstances and after giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects to the client.
 10. A licensee who anticipates the termination or interruption of service to a client shall notify the client as promptly as possible and seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.
 11. A licensee shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his or her deriving benefits of an unprofessional nature from the client during the time that the client is receiving professional services from the licensee and for 2 years after the termination of those services.
- (Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)

NAC 637B.0442 Delegation of duties by hearing aid specialist or dispensing audiologist to unlicensed office assistant, aide or technician. (NRS 637B.132)

1. Except as otherwise provided in subsection 2, a hearing aid specialist or dispensing audiologist may delegate certain duties to an office assistant, aide or technician who is not licensed pursuant to this chapter and [chapter 637B](#) of NRS and does not possess the professional or advanced training required for the practice of fitting and dispensing hearing aids if the hearing aid specialist or dispensing audiologist determines, before delegating a duty, that the office assistant, aide or technician possesses the necessary knowledge, competence, training and skills to perform the duty. The duties that may be delegated to an office assistant, aide or technician pursuant to this section include, without limitation:
 - (a) Cleaning a hearing aid;
 - (b) Repairing or replacing a broken part of a hearing aid with the same part;
 - (c) Replacing a thin tube or dome with a similar size or style;
 - (d) Replacing filters;
 - (e) Returning to a client a repaired hearing aid that does not require fitting, programming or adjusting;
 - (f) Accepting an in-office return of a hearing aid if a receipt is provided to the client to document proof of the return; and
 - (g) Performing clerical, secretarial and general administrative duties, including, without limitation, providing information that is readily available to the general public.
2. A hearing aid specialist or dispensing audiologist shall not delegate any duty to an office assistant, aide or technician pursuant to this section that requires professional or advanced training for the practice of fitting and dispensing hearing aids. Duties that may not be delegated pursuant to this section include, without limitation:
 - (a) Removing a hearing aid from or placing a hearing aid into a client's ear;
 - (b) Programming, adjusting or fitting a hearing aid;
 - (c) Conducting an interview, examination or evaluation relating to a client's hearing or hearing loss; and

(d) Conducting any activity involving direct physical contact with a client and a hearing-related procedure or instrument.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.0444 Requirements concerning waiver by client of medical evaluation. (NRS 637B.132)

If a hearing aid specialist or dispensing audiologist offers a client a waiver of the medical evaluation required by 21 C.F.R. § 801.421, the hearing aid specialist or dispensing audiologist shall:

1. Verbally explain the waiver to the client before the client signs the waiver; and
2. Provide the written waiver on a form separate from any other form that the client is required to sign.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.0446 Case history and minimum procedures required for prospective candidate for hearing aid; exception. (NRS 637B.132)

1. Except as otherwise provided in subsection 3, a hearing aid specialist or dispensing audiologist shall take the pertinent case history of, and perform personally the following minimum procedures bilaterally on, each prospective candidate for a hearing aid:

(a) Pure-tone audiometry, including air-conduction testing and bone-conduction testing through an annually calibrated system.

(b) Live voice audiometry, only if a separate sound-treated room is available, or recorded voice audiometry, including speech-reception threshold testing, most comfortable and uncomfortable level testing, and speech discrimination testing presented through a speech audiometer.

(c) When applicable, effective masking.

(d) Before a hearing test and an ear impression is performed, an otoscopic examination of the ear canal in which the tympanic membrane is visualized.

(e) After an ear impression is performed, an otoscopic examination in which the tympanic membrane is visualized.

2. A hearing aid specialist or dispensing audiologist shall perform each procedure set forth in subsection 1 in a proper environment to obtain accurate results.

3. The minimum procedures set forth in subsection 1 are not required if the person supplies the hearing aid specialist or dispensing audiologist with complete results of the required tests which have been given within the immediately preceding 6 months by a qualified tester who is licensed pursuant to the provisions of this chapter and [chapter 637B](#) of NRS.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.0448 Duties of hearing aid specialist or dispensing audiologist concerning hearing aid he or she sells or fits. (NRS 637B.132) A hearing aid specialist or dispensing audiologist shall:

1. Provide for the service and repair of each hearing aid he or she sells or fits.

2. Provide to each person who orders or purchases a hearing aid from the hearing aid specialist or dispensing audiologist a bill of sale that includes:

(a) The name of the hearing aid specialist or dispensing audiologist, the address of the principal place of business of the hearing aid specialist or dispensing audiologist and the number of the license of the hearing aid specialist or dispensing audiologist;

(b) A description of the make, model and serial number of the hearing aid;

(c) The amount charged for the hearing aid and, if applicable, an itemization of any amount to be deducted from any refund;

(d) The condition of the hearing aid, indicating whether it is new, used or reconditioned;

(e) Any accessories provided with the hearing aid;

(f) The name of the person or entity responsible for providing a refund; and

(g) The manner in which a hearing aid may be returned, including the business location where the hearing aid may be returned and the business hours during which the hearing aid may be returned.

3. Provide to each person who purchases a hearing aid from the hearing aid specialist or dispensing audiologist a written guarantee that the person may return the hearing aid:

(a) Within 30 days after receipt of the hearing aid; or

(b) If the hearing aid is returned to the manufacturer for service or repair during the 30-day period, within 30 days after the hearing aid is returned to the possession of the person who purchased the hearing aid.

4. Schedule at least one appointment with each person who purchases a hearing aid from the hearing aid specialist or dispensing audiologist. The appointment must take place not later than 21 days after the hearing aid is delivered to the person.

5. Within 30 days after a hearing aid and all accessories that accompanied the hearing aid are returned in the same condition as that in which they were received, provide a refund to the person who purchased the hearing aid from the hearing aid specialist or dispensing audiologist.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.045 Preparation and retention of health care records and other records. ([NRS 637B.132](#))

1. A speech-language pathologist or audiologist shall prepare and retain health care records for each client he or she treats in accordance with [NRS 629.051](#). As used in this subsection, "health care records" has the meaning ascribed to it in [NRS 629.021](#).

2. A hearing aid specialist or dispensing audiologist shall prepare and retain records of fitting, servicing or dispensing a hearing aid for each client he or she treats. The records must be retained for not less than 5 years after the record is prepared and may be created, authenticated and stored in a computer system that limits access to those records or is maintained in any other form which ensures that the records are easily accessible by the hearing aid specialist or dispensing audiologist. Each record must include, without limitation:

- (a) The name, address, telephone number and date of birth of the client;
- (b) The medical history of the client as it relates to his or her loss of hearing;
- (c) The dates on which the hearing aid was delivered, fitted and adjusted, and notations of all procedures performed on such dates, and, if applicable, the date of return or attempted return of the hearing aid;
- (d) Audiograms of the client;
- (e) The specifications of the hearing aid, including the serial number of the hearing aid as indicated by the manufacturer of the hearing aid;
- (f) The settings for the hearing aid;
- (g) The progress and disposition of the case;
- (h) A copy of the contract for the sale of the hearing aid; and
- (i) A copy of any waiver of the medical evaluation required by 21 C.F.R. § 801.421.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.046 Grounds for disciplinary action: Unprofessional conduct. ([NRS 637B.132](#), [637B.250](#))

1. A violation of any provision of this chapter by a licensee constitutes unprofessional conduct and subjects the licensee to disciplinary action by the Board.

2. If a licensee violates any provision of this chapter or engages in any other kind of unprofessional conduct while his or her license is in effect, the Board will take disciplinary action against the licensee, including, without limitation, taking action against the licensee after his or her license has expired or been suspended.

3. If a board or entity in this State or in another state which has issued a license, certificate, registration or other credential to a licensee for the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or a related field revokes or suspends the license, certificate, registration or other credential, or takes any other disciplinary action against the licensee, the revocation, suspension or disciplinary action is a ground for disciplinary action by the Board against the licensee for unprofessional conduct.

4. The failure of a licensee to comply with a stipulation, agreement, advisory opinion or order issued by the Board constitutes unprofessional conduct and is a ground for disciplinary action by the Board against the licensee.

5. In addition to the acts specified in this section and subsection 2 of [NRS 637B.250](#), the following acts constitute unprofessional conduct and are grounds for disciplinary action by the Board against a licensee or an applicant for a license, as applicable:

- (a) Engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids when unable to do so with reasonable skill and safety to a client because of the use of alcohol or any controlled substance or any mental or physical condition or illness.
- (b) Committing negligence in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.
- (c) Allowing another person to use the license issued to the licensee.
- (d) Failing to report or otherwise concealing information relating to a violation of this chapter or [chapter 637B](#) of NRS that could result in harm to the public health and welfare.
- (e) Intentionally making or filing a false or misleading report.
- (f) Failing to file or intentionally obstructing or attempting to obstruct another person from filing a report required by law or a third person.
- (g) Intentionally harassing, abusing or intimidating a client, employer, employee, colleague or other person, either physically or verbally, including, without limitation, committing sexual harassment.
- (h) Failing to notify the Board of disciplinary action imposed upon the licensee or the applicant for a license by a regulatory authority in another jurisdiction.

- (i) Divulging, without the consent of a client, information gained within the context of the professional relationship with the client, unless the divulging of such information is otherwise required by law.
 - (j) Failing to obtain the informed consent of a client before engaging in scientific research involving the client.
 - (k) Referring or appearing to refer a client to a third person in exchange for receiving a fee or other consideration from the third person.
 - (l) Advertising in a manner that tends to deceive or mislead the public, including, without limitation, making a false or misleading statement or representation in the advertisement or solicitation of services.
 - (m) Making or providing false statements or omitting relevant information in connection with an application for a license or the renewal of a license.
 - (n) Misrepresenting or falsifying credentials, including, without limitation, credentials relating to education, training, experience or areas of competency.
 - (o) Practicing or offering to practice beyond the scope required by law.
 - (p) Performing any professional service that the licensee knows he or she is not competent to perform.
 - (q) Knowingly advertising a model or type of hearing aid for sale that cannot be purchased by a member of the general public.
 - (r) Advertising a product or using a name or trademark in a manner that falsely implies the existence of a relationship between the licensee and the manufacturer of a product.
- (Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)

NAC 637B.048 Grounds for disciplinary action: "Professional incompetence" interpreted. ([NRS 637B.132](#), [637B.250](#))

1. For the purposes of paragraph (d) of subsection 1 of [NRS 637B.250](#), the Board will interpret the term "professional incompetence" to mean a lack of knowledge, skill or ability in discharging a professional obligation and to include, without limitation, malpractice and gross negligence.

2. As used in this section:

(a) "Gross negligence" means conduct in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids which represents an extreme departure from the standard of care required from an audiologist, speech-language pathologist or hearing aid specialist under the circumstances.

(b) "Malpractice" means conduct in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids which falls below the standard of care required from an audiologist, speech-language pathologist or hearing aid specialist under the circumstances.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)

NAC 637B.090 Address for written communications and documents to Board. ([NRS 637B.150](#))
[Replaced in revision by [NAC 637B.700](#).]

NAC 637B.380 Petitions. ([NRS 637B.150](#)) [Replaced in revision by [NAC 637B.710](#).]

NAC 637B.390 Decision by Board. ([NRS 637B.150](#)) [Replaced in revision by [NAC 637B.715](#).]

CONTINUING EDUCATION

NAC 637B.400 Requirements for renewal of standard or provisional license; records; audits; excess credits may not be carried forward. ([NRS 637B.132](#), [637B.191](#))

1. Except as otherwise provided in subsection 2 of [NAC 637B.403](#) and [NAC 637B.430](#), as a prerequisite for each renewal of a standard license or provisional license, a licensee must complete, during the annual period immediately preceding the renewal, at least 15 hours of continuing education approved by the Board that directly pertains to the profession in which he or she holds a license issued by the Board. If the licensee is a dispensing audiologist, at least 5 of the 15 hours of continuing education must directly relate to the practice of fitting and dispensing hearing aids.

2. Legible copies of all receipts, records of attendance, certificates and any other evidence of a licensee's completion of a course of continuing education must be retained by the licensee and made available to the Board for inspection for not less than 3 years after the completion of the course.

3. The Board will conduct random audits of licensees to ensure compliance with the requirements of this section.

4. If a licensee completes more than the required number of hours of continuing education during one licensing period, the licensee is not allowed to credit the excess hours toward the required education for a

subsequent period.

5. For the purposes of subsection 1, a course approved by the International Institute for Hearing Instruments Studies of the International Hearing Society, American Academy of Audiology, American Speech-Language-Hearing Association, Academy of Doctors of Audiology or Educational Audiology Association is deemed to be approved by the Board.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path., eff. 7-1-82; A 12-10-84; 6-20-90; 11-15-95; R219-03, 9-16-2004; R034-13, 3-28-2014; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)

NAC 637B.403 Requirements for holder of standard or provisional license; exception for first renewal of license. ([NRS 637B.132](#), [637B.191](#))

1. Except as otherwise provided in subsection 2 and [NAC 637B.430](#), a licensee who holds a standard license or provisional license shall complete continuing education in accordance with the provisions of [NAC 637B.400](#).

2. A person who obtains a standard license or provisional license within 12 months after graduating from an educational program accredited by an agency approved by the Board is not required to complete any continuing education before renewing his or her license for the first time.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

NAC 637B.420 Acceptable activities, courses, seminars, workshops and similar functions; limitations on credit; written request for approval of other continuing education. ([NRS 637B.132](#), [637B.191](#))

1. In addition to any course deemed to be approved by the Board pursuant to subsection 5 of [NAC 637B.400](#), the Board will accept the following kinds of activities for credit toward fulfilling its requirement for continuing education:

- (a) Attendance at a course or program conducted by a university, school district, hospital or similar entity.
- (b) Attendance at a workshop, seminar, demonstration, meeting or lecture.
- (c) Making a presentation at a workshop, seminar or similar function. Credit is allowed for time spent on both preparation and presentation. The greatest number of hours allowed for presentation is 8 hours during any one licensing period. Credit claimed for preparation may not exceed 50 percent of the number of hours credited for presentation.
- (d) Publication of material in a professional journal or equivalent periodical or work. The Board will determine the number of hours allowed for credit under this paragraph, but the greatest number of hours allowed is 8 hours during any one licensing period.
- (e) Participation in a planned observation or visit which is part of a clinical program if prior written approval for the activity is obtained from the Board.
- (f) Completion of an Internet course.

2. The Board will consider a written request from a licensee that the Board approve credit for any continuing education not specified in subsection 1 if the request is submitted to the Board before the date of renewal of the license.

3. If a written request submitted pursuant to subsection 2 is not granted, the Board may grant additional time for the licensee to fulfill any required continuing education that he or she has not completed.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path., eff. 7-1-82; A 4-15-88; 6-20-90; R219-03, 9-16-2004; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)

NAC 637B.430 Waiver of requirements; additional time for completion if waiver not granted. ([NRS 637B.132](#), [637B.191](#))

1. The Board may waive all or part of the requirements for continuing education for a licensee who holds a standard license or provisional license if the licensee:

- (a) Submits a written request for a waiver; and
- (b) Provides proof satisfactory to the Board of an extenuating circumstance that does not allow the completion of the required continuing education.

2. If a waiver is granted pursuant to this section, the unfulfilled requirements for continuing education will be added to the requirements for continuing education for the licensee for the following year.

3. If a waiver is not granted pursuant to this section, the Board may grant additional time for the licensee to fulfill any required continuing education that he or she has not completed.

4. As used in this section, "extenuating circumstance" includes, without limitation:

- (a) Extreme illness or injury;
- (b) Extreme financial or familial hardship; or
- (c) Military service.

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path., eff. 6-20-90; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)

PRACTICE BEFORE THE BOARD

NAC 637B.700 Address for written communications and documents to Board. (NRS 637B.132) All formal written communications and documents must be addressed to the Board and not to individual members of the Board or its staff.

[Bd. of Exam'rs for Audiology & Speech Path., Rule 2.2, eff. 2-28-80] — (NAC A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016) — (Substituted in revision for NAC 637B.090)

NAC 637B.705 Board authorized to act on own motion; petition to request adoption, amendment or repeal of regulation or for formal hearing; contents and filing of petition. (NRS 637B.132)

1. The Board may act on its own motion. Any other request for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board must be submitted to the Board as a petition.

2. Any interested person may submit a petition to the Board for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board.

3. The petition must be in writing and addressed to the Chair of the Board.

4. An original and two legible copies of the petition must be filed with the Board. The Board may, when appropriate, direct that a copy of each petition be made available to any other person who the Board determines may be affected by the petition.

5. The petition must contain:

(a) The full name and mailing address of the petitioner;

(b) If the adoption of a new regulation is proposed, the body or substance of the proposed regulation and the supporting facts and arguments;

(c) If the amendment or repeal of an existing regulation is proposed, the specific section of the Nevada Administrative Code that the petitioner is proposing to amend or repeal and the supporting facts and arguments for the amendment or repeal thereof;

(d) If a formal hearing by the Board is requested, the relevant facts which support the request; and

(e) A statement that the petition is made in accordance with the applicable provisions of the Nevada Revised Statutes.

6. The petition must be signed by the petitioner. The signature constitutes a representation by the signer that:

(a) He or she has read the petition; and

(b) To the best of his or her knowledge, information and belief, the statements made therein are true.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, eff. 2-27-2018)

NAC 637B.710 Petition for declaratory order or advisory opinion: Submission. (NRS 637B.132)

1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.

2. A petition for a declaratory order or an advisory opinion must be in writing and submitted in the same manner as a petition for the adoption, amendment or repeal of a regulation by the Board.

[Bd. of Exam'rs for Audiology & Speech Path., Rules 10.1 & 10.2, eff. 2-28-80] — (NAC A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, 2-27-2018) — (Substituted in revision for NAC 637B.380)

NAC 637B.715 Petition for declaratory order or advisory opinion: Meeting and decision by Board; service of denial and other correspondence. (NRS 637B.132)

1. Upon submission of a petition for a declaratory order or an advisory opinion, the Board will, within 90 days:

(a) Schedule a meeting to discuss and grant or deny the petition in writing, stating its reasons; or

(b) Initiate proceedings for adoption of an appropriate regulation.

2. A copy of any denial or other correspondence from the Board to the petitioner will be served by mailing a copy thereof to the petitioner.

[Bd. of Exam'rs for Audiology & Speech Path., Rules 10.3 & 10.4, eff. 2-28-80] — (NAC A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, 2-27-2018) — (Substituted in revision for NAC 637B.390)

NAC 637B.720 Filing or initiation of complaint against licensee; contents; review; complaint filed against apprentice. ([NRS 637B.132](#))

1. Any person who believes that another person licensed by the Board has violated a provision of this chapter or [chapter 637B](#) of NRS may file a complaint with the Board on a form provided by the Board.
2. The Board may, on its own, initiate a complaint against a person licensed by the Board.
3. A complaint must, without limitation:
 - (a) Identify one or more grounds for disciplinary action; and
 - (b) Contain a statement of facts in sufficient detail to enable the Board to understand the allegations.
4. The Executive Director of the Board, in consultation with legal counsel, shall review each complaint and decide if the complaint merits an investigation.
5. The Executive Director of the Board shall bring before the Board any complaint found to have merit.
6. For any proceedings regarding a complaint filed against an apprentice, the Board may require that the apprentice be accompanied by any hearing aid specialist or dispensing audiologist who signed, dated or reviewed a record regarding a patient related to the complaint.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, eff. 2-27-2018)

NAC 637B.730 Conduct of hearing in contested case. ([NRS 637B.132](#))

1. Each hearing of a contested case will be conducted in accordance with the provisions of this chapter and [chapter 233B](#) of NRS and, if the hearing concerns a disciplinary proceeding, [chapter 622A](#) of NRS and [NRS 637B.250](#) to [637B.288](#), inclusive.

2. As used in this section, "contested case" has the meaning ascribed to it in [NRS 233B.032](#).

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, eff. 2-27-2018)

NAC 637B.735 Recovery of attorney's fees and costs. ([NRS 637B.132](#)) Pursuant to [NRS 622.400](#), the Board may recover from a person reasonable attorney's fees and costs relating to any disciplinary proceedings involving the person.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, eff. 2-27-2018)

NAC 637B.740 Fees and reimbursement for mileage for witnesses. ([NRS 637B.132](#)) A witness who participates in a proceeding held by the Board is entitled to receive fees and reimbursement for mileage in the same amounts and under the same conditions as for witnesses in the courts of this State.

(Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R016-17, eff. 2-27-2018)



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board
Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 8

Public Comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

ACTION: None – INFORMATIONAL ONLY.

ATTACHMENT(S): None.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board
Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 9

Adjournment

ACTION: Meeting adjourned.

ATTACHMENT(S): None.