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**Form for Filing
Administrative Regulations**

LCB File No. R064-21

Agency:

**Speech-Language Pathology,
Audiology and Hearing Aid
Dispensing Board**

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

Governor's signature

Classification: ☐ PROPOSED ☒ ADOPTED BY AGENCY ☐ EMERGENCY

Brief description of action:

Reduces annual requirement for continuing education hours to renew a license to 10 hours, from current 15. If a licensee is a dispensing audiologist, 3 hours must relate directly to the practice of fitting and dispensing hearing aids (reduced from 5 hours). For all licensees, at least 1 of the 10 annual hours must relate to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion.

Authority citation other than 233B:

§§1 and 2, NRS 637B.080 and 637B.132; §3, NRS 637B.132 and 637B.290; §4, NRS 637B.132, 637B.160, 637B.191 and 637B.194; §5, NRS 637B.132, 637B.191 and 637B.194; §§6 and 7, NRS 637B.132, 637B.194 and 637B.235.

Notice date: March 17, 2022

Date of Adoption by Agency: April 21, 2022

Hearing date: April 21, 2022

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

LCB File No. R064-21

Filed June 13, 2022

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

AUTHORITY: § 1, NRS 637B.132 and 637B.191.

A REGULATION relating to professional licensing; revising continuing education requirements for the renewal of a license to practice speech-language pathology, audiology or the fitting and dispensing of hearing aids; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to adopt regulations prescribing requirements for the renewal of a license or endorsement issued by the Board. (NRS 637B.191) With certain exceptions, existing regulations require a licensee to complete 15 hours of continuing education as a prerequisite for the renewal of a standard license or provisional license. (NAC 637B.400) This regulation: (1) reduces, from 15 hours to 10 hours, the total number of hours of continuing education required for the renewal of a license; and (2) requires at least 1 of these hours to relate to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion. If a licensee is a dispensing audiologist, existing regulations require at least 5 hours of continuing education to relate directly to the practice of fitting and dispensing hearing aids. (NAC 637B.400) This regulation reduces the requirement from 5 hours to 3 hours.

Section 1. NAC 637B.400 is hereby amended to read as follows:

637B.400 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~~ 10 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 ~~11~~, *including at least 1 hour of continuing education relating to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion*. If the licensee is a dispensing audiologist, at least ~~15~~ 3 of the ~~15~~ 10 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.

NOTICE OF ADOPTION OF REGULATION

The Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopted regulations assigned LCB File No. R064-21 which pertain to chapter 637B of the Nevada Administrative Code on April 21, 2022. A copy of the regulations as adopted is attached hereto.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

LCB FILE R064-21

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 637B.

1. A clear and concise explanation of the need for the adopted regulation.

The need and purpose of the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent speech-language pathologists, audiologists and hearing aid specialists are licensed in the state. The proposed regulation will provide clarity for the public, individuals and licensees through regulation regarding requirements for the following:

The proposed change revises NAC 637B.400 to reduce, from 15 hours to 10 hours, the total number of hours of continuing education required for the renewal of a license. Of those 10 hours, the revision adds a requirement that at least 1 of the 10 hours relate to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion. If a licensee is a dispensing audiologist, at least 3 of the ten hours must relate directly to the practice of fitting and dispensing hearing aids.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

A Public Workshop was held to solicit comments on the proposed regulations on January 19, 2022. Public comment was solicited through the dissemination of a *Notice of Public Workshop* that was sent/posted on January 3, 2022 as follows:

- **EMAILED TO:**
 - All licensed Speech-Language Pathologists, Audiologists, Hearing Aid Specialists
 - All persons on the Board's mailing list for administrative regulations
- **DEPOSITED WITH** the State Library, Archives and Public Records Administrator
- **POSTED AT THE FOLLOWING PHYSICAL LOCATIONS:**
 - State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
- **POSTED ONLINE AT THE FOLLOWING WEBSITES:**
 - Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board
<https://www.nvspeechhearing.org/about/Minutes.asp>
 - State of Nevada Public Notices: www.notice.nv.gov
 - Nevada Legislature Administrative Regulation Notices, Meetings and Workshops:
<https://www.leg.state.nv.us/app/notice/a/>

There were nine (9) individuals representing small business and the public in attendance at the workshop. There were no oral comments. Three (3) written comments were received: two (2) in support of the revision and one (1) in support of the revision with a suggestion to add *cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion* as a required training topic.

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at:
6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523 Phone: (775) 787-3421
Email: board@nvspeechhearing.org Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

A Public Hearing was held to solicit comments on the proposed regulations on April 21, 2022.
Public comment was solicited through the dissemination of a *Notice of Intent to Act Upon a Regulation* that was sent/posted on March 17, 2022 as follows:

- **EMAILED TO:**
 - All licensed Speech-Language Pathologists, Audiologists, Hearing Aid Specialists
 - All persons on the Board's mailing list for administrative regulations
- **DEPOSITED WITH** the State Library, Archives and Public Records Administrator
- **POSTED AT THE FOLLOWING PHYSICAL LOCATIONS:**
 - State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
- **POSTED ONLINE AT THE FOLLOWING WEBSITES:**
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<https://www.nvspeechhearing.org/about/Minutes.asp>
 - State of Nevada Public Notices: www.notice.nv.gov
 - Nevada Legislature Administrative Regulation Notices, Meetings and Workshops:
<https://www.leg.state.nv.us/app/notice/a/>

There were ten (10) individuals representing small business and the public in attendance at the public hearing. There were two (2) oral comments in support of the revision. Three (3) written comments were received: one (1) in support of the revision with a suggestion to change the required number of hours/topics, and two (2) opposed to the revision (see #6 below).

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at:
6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523 Phone: (775) 787-3421
Email: board@nvspeechhearing.org Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

3. The number of persons who:

a) Attended each workshop:	9	January 19, 2022	Reno/Teleconference
b) Attended public hearing:	10	April 21, 2022	Reno/Teleconference
c) Testified at hearing:	2	April 21, 2022	Reno/Teleconference
d) Submitted written comments:	6		

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

Name: Melissa Fleischmann
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided

Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Hasmig Karkouzian
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Karen Klopfer
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: ASHA/CCSD

Name: Nancy Kuhles
Telephone Number: 775.772.4831
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Nkuhles119@gmail.com
Name of Entity or Organization Represented: NSHA/NV Coalition

Name: Leala Lierman
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Alice Lilly
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Kirsten Razzone
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Kim Reddig
Telephone Number: Not provided
Business Address: Not provided

Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: NSHA

Name: Verona Sutton-Dunn
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Laura Thompson
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. No comments were received from businesses.

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at:
6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523 Phone: (775) 787-3421
Email: board@nvspeechhearing.org Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopted the regulation on April 21, 2022 and with the inclusion of training in cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion that was suggested via written public comment at the workshop on January 19, 2022. Three changes were suggested through written public comment at the Public Hearing on April 21, 2022 but not included in the final adopted regulation:

- A comment in support of the change with edits to require that 1/10 hours relate to ethics and 2/10 hours relate to cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion. This came from ASHA who requires 30 hours in a 3 year period, of which 1 must relate to ethics and 2 must relate to cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion. The wording of the written comment appeared to be an error, and it was determined that 3/10 hours in these areas annually would be excessive.
- A comment opposed to the reduction in required annual hours and suggestion that more could be required. The reduction was proposed to align with national and practice certification standards and an increase would not be appropriate.

- A comment opposed to the requirement that 1/10 hours relate to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion due to perceived difficulty in finding training on these topics. It was determined that ample training exists in these areas to meet the requirement.
7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) **Both adverse and beneficial effects; and**
There will be no adverse economic effect of these adopted regulations on small businesses. The Board regulates individuals in the practice of speech-language pathology, audiology and the fitting and dispensing of hearing aids. The adopted regulations will benefit small businesses and the speech-language pathology, audiology and hearing aid dispensing practitioners by providing clarifications to the regulations and providing access to qualified professionals.
- (b) **Both immediate and long-term effects.**
Direct effect will be to improve and clarify existing law and regulatory requirements. Indirectly, small businesses may experience the effect of having more knowledgeable practitioners.
8. **The estimated cost to the agency for enforcement of the adopted regulations.**
There are no additional costs involved in the enforcement of these adopted regulations.
9. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is not aware of any similar federal, state, or local standards regulating speech-language pathology, audiology and hearing aid dispensing professions. These adopted regulations do not duplicate any federal, state or local standards.
10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.
11. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
The regulation does not provide for any new or increased fees.