



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, September 14, 2022 ~ 4:30pm**

**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

##### ZOOM VIDEO & AUDIO:

<https://us02web.zoom.us/j/85365853447?pwd=QWFiRnBUQzdHL0RZd2RDS1F2L1F1Zz09>

**AUDIO ONLY BY TELEPHONE:** (253) 215-8782

**Meeting ID:** 853 6585 3447 **Passcode:** 911070

If you are outside the United States or need **toll-free audio access**, please contact the Board office at [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org) to request a toll-free number no later than 3:00pm Pacific on the day of the meeting.

## 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 June 21, 2022**  
(for possible action)

**4. Work Session and Consideration for Recommendation to the Board on Proposed Revision to NAC 637B.0442**  
(for possible action)

## 5. Consideration for Recommendation to the Board on Examinations Required for Dispensing Audiologists and Hearing Aid Specialists

- Update on Availability/Use of Third-Party Dispensing Practical Exam Proctors  
(for possible action)
- Consideration to Affirm or Recommend Revisions to NAC 673B.0373(5) Regarding Acceptance of Prior Passing Score on Written ILE Examination  
(for possible action)

## 6. Consideration of and Recommendation to the Board on Revisions to Board Policy 03: Dispensing Examinations

(for possible action)

## 7. Update on FDA Rulemaking for Over-the-Counter Hearing Aids

(for possible action)

## 8. Reports from Committee Chair and Members

- Report from Committee Chair and Board Members  
(for possible action)
- Next Meeting: Proposed for December 2022 or January 2023  
(for possible action)
- Future Agenda Items  
(for possible action)

## 9. 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)*

## 10. 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](mailto: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:

<p>Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board Administrative Office 6170 Mae Anne Avenue, Suite 1 Reno, Nevada 89523</p>	<p>Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board Website <a href="http://www.nvspeechhearing.org">www.nvspeechhearing.org</a></p>	<p>State of Nevada Public Notice Website <a href="http://www.notice.nv.gov">www.notice.nv.gov</a></p>
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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.

Supporting material relating to public meetings of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is available at the Board's administrative offices located at 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523 on the Board's website at <https://www.nvspeechhearing.org/about/Minutes.asp> or by contacting Jennifer Pierce, Executive Director by phone at (775) 787-3421 or email [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org). 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

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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

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*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:** Informational only.

**ATTACHMENT(S):** None.



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Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

Advisory Committee on Fitting and Dispensing Hearing Aids

## AGENDA ITEM 3

### Approval of the Minutes: Meeting of the Advisory Committee on Fitting and Dispensing Hearing Aids of June 21, 2022

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The minutes of the meeting of June 21, 2022 are presented for approval.

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

**ATTACHMENT(S):**

1. 2022 6 21 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

June 21, 2022

**Members Present:** Michael Hodes; Lynee Anderson; Melissa Maestas

**Members Absent:** Nanci Campbell; Jennifer Joy-Cornejo

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

**Public Present:** Obioma Officer, Nevada Commission for Persons Who Are Deaf and Hard of Hearing

### Call to Order, Confirmation of Quorum

Michael Hodes called the meeting to order at 4:34pm. A roll call confirmed a quorum was present.

### Public Comment

Obioma Officer introduced herself as the Executive Director of the Nevada Commission for Persons Who Are Deaf and Hard of Hearing and attending the meeting to become acquainted with the Board's work.

### Approval of the Minutes

Michael Hodes asked for corrections or a motion to approve the January 12, 2022 minutes as written. Melissa Maestas made a motion to approve the minutes as written. Lynee Anderson seconded the motion. The motion passed.

### Work Session and Recommendation to the Board on Draft Revisions to NRS 637B Related to NBC-HIS Certification for HAS License

Ms. Pierce summarized that in January 2022 the Board approved this Committee's recommendation to pursue removal of the NBC-HIS requirement for a Standard HAS license from NRS 637B in a future legislative session. In preparation for potential legislative work, draft revisions to two sections of NRS 637B referencing the certification were presented for the Committee's review and recommendation to the Board. All Members were in agreement that the drafted language looked appropriate, and Michael Hodes called for a motion. Lynee Anderson made a motion to approve and recommend the drafted language to the Board. Melissa Maestas seconded the motion. The motion passed.

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

**Work Session and Consideration for Recommendation to the Board for Revisions to NAC 637B.0391(2) Regarding In-Service Training for Hearing Aid Specialist Apprentices**

Ms. Pierce referred the Committee to the prior agenda item regarding future legislation to remove NBC-HIS certification as a requirement for a Standard HAS License. This decision highlighted the requirement in NAC 637B.0391 for a HAS Apprentice with no formal education in hearing instrument sciences to complete a 2 year in-service training program, which mirrors NBC-HIS requirements. The matter was brought to this Committee to consider whether this requirement is still appropriate given the decision to remove NBC-HIS certification.

Michael Hodes, having sat on the previous Board of Examiners for Hearing Aid Specialists, recalled that the intent of the NAC requirement was directly tied to the NBC-HIS requirement. Dr. Hodes shared that in his opinion, the 2-year requirement is still very appropriate, especially for an apprentice entering the field with no prior education or experience. Melissa Maestas and Lynee Anderson agreed strongly, both citing the complexity of knowledge and skills that must be mastered and giving anecdotal examples of those who could not demonstrate mastery after two years. All members were in consensus that to ensure the safety of the public and consumers and uphold high training standards, 2 years is an appropriate minimum to maintain. Stacey Whittaker also pointed out that an apprentice who feels ready may begin the process of taking the IHS written/practical and NBC-HIS examinations once they have completed 18 months of training. This allows an apprentice the opportunity to convert to a Standard HAS license once the 2 year requirement is met, rather than waiting to the 2-year mark and having to wait to convert while completing the exams.

No action was taken as the Committee agreed that no recommendation for change was necessary.

**Work Session and Consideration for Recommendation to the Board on Licensing Audiology Assistants or Revision to NAC 637B.0442**

Ms. Pierce explained that the Board has recently revisited this matter with consensus that more work is needed and referred the matter to this Committee. The Committee was asked to consider and make recommendations to the Board on whether to pursue licensing of Audiology Assistants in a future legislative session or, as an alternative, to consider revisions to NAC 637B.0442 which delineates duties that may be delegated to an unlicensed individual.

The members discussed pros and cons of both assistant licensing and pursuit of a NAC revision and the ultimate responsibility of the supervising Audiologist or HAS to oversee the work performed by an assistant or unlicensed individual. It was agreed that the most appropriate option would be a revision to the NAC to expand the list of duties that could be delegated to an unlicensed individual. The Committee agreed that it would like to hold a work session in the next meeting to work on drafting revised NAC language. Michael Hodes called for a motion. Melissa Maestas made a motion to bring the matter back to the next Committee meeting for a work session to work on new NAC language. Lynee Anderson seconded the motion. The motion passed.

**Work Session and Consideration for Recommendation to the Board on Examinations Required for Dispensing Audiologists and Hearing Aid Specialists**

Ms. Pierce introduced this as a new matter raised at the Board's April 2022 meeting related to streamlining reciprocal licensing practices for individuals already licensed in another state. Research around reciprocity revealed that Nevada is 1 of 13 states requiring a separate license/endorsement for an Audiologist to dispense hearing aids. Of those 13 states, 10 require the written dispensing exam, and only 4 require the practical exam. For a HAS license, Nevada is 1 of 44 states requiring the written dispensing exam, and one of 16 states requiring the practical exam. Ms. Pierce explained that applicants must submit a full application and wait to be licensed until exams are complete or apply for a Temporary license which allows them a year to pass the exams. The practical exam requires that an applicant travel to Nevada with a second adult to sit as their test subject and

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

bring a portable audiometer. Several options were presented for consideration should the Committee wish to recommend a change, including a revision to Board policy, issuance of a Dispensing Audiologist license by endorsement, and use of a third-party practical exam administrator as an alternative to requiring travel to Nevada. The matter is before the Committee to affirm the current requirement or consider recommendations to change them.

Discussion resulted in a unanimous consensus that there should be no changes made to the current examination requirements. Citing the safety of the public and consumers, it was agreed that both examinations serve important protective functions to ensure that only qualified and skilled practitioners are licensed in Nevada. Specific examples were cited of states not requiring any examinations to fit and dispense hearing aids, and anecdotal examples of practical exam test-takers licensed elsewhere who performed poorly on the exam. A suggestion was made that if skilled and knowledgeable proctors in other states or through a testing company could be located, this could offer an alternative to requiring travel to Nevada while still upholding exam standards. Michael Hodes called for a motion. Melissa Maestas made a motion for Board staff to gather more information for consideration at the next Committee meeting on the use of outside proctors. Lynee Anderson seconded the motion. The motion passed.

#### **Work Session and Consideration to Revise Recommendation to the Board on Cerumen (Earwax) Management by Hearing Aid Specialists**

Ms. Pierce summarized this Committee's prior recommendation to the Board to consider revisions to NRS in a future legislative session to clarify the practice of cerumen management by Hearing Aid Specialists, as it is currently neither allowed nor prohibited in the HAS scope of practice. Upon hearing the matter, the Board agreed that it needed further consideration and sent it back to the Committee for continued discussion.

There was discussion around current legislative trends, training to perform the services, and alternative providers who patients can seek out for care. The discussion resulted in agreement that the practice should be allowed by Hearing Aid Specialists. Michael Hodes called for a motion. Lynee Anderson made a motion to reaffirm the Committee's prior decision to recommend the Board pursue a revision to NRS 637B and to specifically allow this practice by Hearing Aid Specialists. Melissa Maestas seconded the motion. The motion passed.

#### **Update on FDA Rulemaking for Over-the-Counter Hearing Aids**

Ms. Pierce reported that public comments on the FDA's Proposed Rules for Over the Counter Hearing Aids were due by January 18, 2022. No update has been received and it is expected that comments are currently under review. No action was taken.

#### **Reports from Committee Chair and Members**

There were no reports from the Committee Chair or Members. The next Committee meeting was proposed for September 2022 and Ms. Pierce stated that she would poll the members for availability. No future agenda items were suggested.

#### **Public Comment**

Obioma Officer thanked the Committee for their work and allowing her to attend. She stated that the meeting was very informative, and she learned a great deal on the state level. She encouraged members to contact her for more information on the Nevada Commission for Persons Who Are Deaf and Hard of Hearing.

#### **Adjournment**

Michael Hodes adjourned the meeting at 5:39pm.





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

## AGENDA ITEM 4

### Work Session and Consideration for Recommendation to the Board on Proposed Revision to [NAC 637B.0442](#)

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In June 2022 the Committee voted to recommend revisions to [NAC 637B.0442](#) rather than pursue licensing of Audiology Assistants, and requested to bring the matter back to the next Committee meeting for a work session to work on drafted language. The matter was presented to the Board on July 19, 2022 and tabled until such time a recommendation is brought forth from the Committee.

#### **NAC 637B.0442: Current Language**

*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 (who) 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.*



## State of Nevada

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

#### Possible Topics for Research/Revision/Addition

- Allowable activities
- Prohibited activities
- Responsibility of the supervising AUD/HAS
- Training
- Supervision (type, number, documentation)
- Utilization Plan (reference Utah)
- Disclosure to Patient (reference Virginia)
- Registration/Reporting Use of Support Personnel
- Ethics/[Code of Conduct](#) , i.e. “will not perform any task without the express knowledge and approval of the supervising audiologist or any task that may be prohibited by state or federal law”
- Clarification between prescription and OTC hearing aids
- Complaints
- Other clarifying language

#### Sample Regulation Frameworks

Below are samples of regulations from states that do not license but allow Assistants to work under a licensed Audiologist. Many vary in educational and supervision requirements, including the number of assistants/aides that may be supervised at one time.

Connecticut	<i>An audiology assistant must work under the direct, on-site supervision of a licensed audiologist. An audiologist supervising an assistant must assume responsibility for all services provided by the assistant.</i>
Idaho	<i>The supervising audiologist is responsible for the training of audiology support personnel and for maintaining a written record of completed training activity.</i>
Indiana	<i>Assistants allowed but not licensed by the Board. They must work under the direction and supervision of a licensed audiologist.</i>
Iowa	<i>An assistant is an unlicensed person who works under the supervision of an Iowa-licensed audiologist under rules outlined by the Board and a plan developed by the licensee.</i>
Louisiana	<i>Audiology aides are exempted from licensure requirements but must be reported on the annual renewal form. Supervision for audiology aides must be periodic direct observation by a licensed audiologist once per month during the initial year.</i>
Rhode Island	<i>Audiometric aides must hold a high school diploma, receive intensive on-the-job training by the supervising licensed audiologist, in accordance with ASHA or American Academy of Audiology (AAA) guidelines, prior to providing services. Audiometric aides do not act independently and are limited to hearing screening with pass/fail criteria.</i>
Utah	<i>A licensed audiologist supervising an aide must have a current written utilization plan outlining the specific manner in which the aide will be employed and supervised. The supervisor shall be responsible for the direct supervision of the aide. A licensed audiologist may not supervise more than three aides at one time.</i>



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Virginia	<i>A licensed audiologist must provide documented supervision to unlicensed assistants. A supervising licensed audiologist shall be held fully responsible for an assistant's performance and activities, and shall ensure that they perform only those activities that do not constitute the practice of audiology or speech-language pathology and that are commensurate with their level of training. The identity of the unlicensed assistant shall be disclosed to the client prior to treatment.</i>
Wisconsin	<i>Audiologists must provide comprehensive, periodic, documented supervision of assistants that includes identifying specific roles and tasks for the individual, ensuring that the tasks performed do not require the exercise of professional judgement or entail interpretation of results or the development or modification of treatment plans, and providing appropriate training that is competency-based and specific to job performance.</i>

**Position Statements on Use of Support Personnel**

Both AAA and IHS have issued position statements on the use of support personnel, while ASHA maintains an active Audiology Assistant Certification Program. AAA's [2021 position statement on Audiology Assistants](#) stated that it "does not see a need for state licensing of audiology assistants since these individuals should only work under the supervision of a state-licensed audiologist." In 2012, IHS issued a [Position Statement on the Use of Assistive Personnel in Hearing Aid Dispensing](#) opposing "the use of assistive personnel to perform functions that are within the lawful scope of practice of hearing aid specialists, dispensing audiologists, or dispensing physicians.

**Sample Scope of Practice Activities: [ASHA Roles and Responsibilities of the Audiology Assistant](#)**

*Audiology assistants engage in only those tasks that are planned, delegated, and supervised by the audiologist and permitted by state law. The duties and responsibilities assigned are based on the training, available supervision, and specific work setting. The scope of practice of the supervising audiologist also dictates the duties and responsibilities assigned to the audiology assistant. The list below provides examples and is not meant to be all inclusive.*

Allowable

1. Greeting and escorting patients
2. Scheduling patients
3. Packaging and mailing earmold orders, device repairs, and manufacturer/lab returns
4. Maintaining inventories of supplies and checking function of equipment
5. Performing checks on hearing aids and other amplification devices
6. Performing troubleshooting and minor repairs to hearing aids, earmolds, and other amplification devices
7. Cleaning hearing aids and other amplification devices
8. Performing electroacoustic analysis of hearing aids and other amplification devices
9. Instructing patients in proper use and care of hearing aids and other amplification devices
10. Demonstrating alerting and assistive listening devices
11. Instructing patients in proper ear hygiene
12. Assisting audiologists in treatment programs
13. Assisting audiologists with setup and technical tasks
14. Preparing materials for ear impressions
15. Maintaining and restocking test and treatment rooms
16. Performing equipment maintenance and biological checks



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17. Conducting hearing and tympanometric screening on older children and adults (without interpretation)
18. Conducting otoacoustic emission screening
19. Performing nondiagnostic otoscopy
20. Performing pure-tone audiologic reassessment on established patients
21. Preparing the patient for VNG/ENG or evoked testing
22. Assisting audiologists in hearing testing of pediatric patients
23. Performing pure-tone hearing screening and universal newborn hearing screening tests
24. Performing infection control duties within the clinic/service
25. Assisting patients in completing case history or other relevant forms
26. Interacting with hearing instrument manufacturers/suppliers regarding status of orders/repairs
27. Translation/interpretation (those who are fluent in a language or languages in addition to spoken English and who have the necessary training and skills may serve as translators, interpreters, and/or cultural brokers, when needed)

Prohibited

1. Determining case selection or evaluation protocols
2. Interpreting observations or data into diagnostic statements of clinical management strategies or procedures
3. Participating in team or case conferences or on any interdisciplinary team, without the presence of the supervising audiologist or an audiologist designated by the supervising audiologist
4. Writing, developing, or modifying a patient's individualized treatment plan
5. Assisting with patients without following the treatment plan prepared by the audiologist or without proper supervision
6. Composing or signing any formal documents (e.g., treatment plans, reimbursement forms, or reports)—progress notes written by audiology assistants may be reviewed and cosigned by the supervising audiologist, subject to local facility policy
7. Transmitting or disclosing clinical information, either orally or in writing, to anyone, including the patient, without the approval of the supervising audiologist
8. Selecting patients for treatment services or discharging patients from treatment services
9. Counseling or consulting with the patient, family, or others regarding the patient status or service or making referrals for additional services
10. Referring to themselves either orally or in writing with a title other than one determined by the supervising audiologist

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

**ATTACHMENT(S):** None.



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## AGENDA ITEM 5

### Consideration for Recommendation to the Board on Examinations Required for Dispensing Audiologists and Hearing Aid Specialists

#### a. Update on Availability/Use of Third-Party Dispensing Practical Exam Proctors

During the June 2022 meeting the Committee unanimously decided to recommend no changes to the current dispensing examination requirements, though a request was made for Board staff to gather more information on the availability of third-party exam proctors that could potentially be utilized by out-of-state applicants.

Currently, the following states require the IHS Practical Exam:

<b>AuD</b>	Alabama*; New Hampshire*; New Mexico. (*have enacted legislation to join the ASLP Interstate Compact.
<b>HAS</b>	Alabama; Georgia; Idaho; Illinois; Louisiana; Maine; Mississippi; Montana; New Hampshire; New Mexico; South Carolina; Tennessee; Utah; Washington; Wyoming.

- Most states administer the exam in-state on a quarterly or similar basis.
- Montana and Idaho use Board member proctors, and Idaho confirmed that candidates must travel to Boise for the exam.
- Georgia and Utah use third-party exam companies, PSI and Prov Inc. respectively. However, both confirmed that proctors are only available in their respective states.

It appears as though our Board's exam requirements and protocols are in-line with those of other states requiring the practical exam, and there does not appear to be a viable option at this time to send out-of-state candidates to qualified exam proctors.

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

**ATTACHMENT(S):** None.

#### b. Consideration to Affirm or Recommend Revisions to NAC 637B.0373(5) Regarding Acceptance of Prior Passing Score on Written ILE Examination

[NAC 637B.0373\(5\)](#) currently allows the Board to accept a passing score obtained on the written ILE examination if *"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."*

This matter is presented for consideration for recommendation on whether to affirm the current requirement or recommend pursuit of a NAC revision to extend this allowance to 24 months to potentially lessen potential licensing barriers and costs. This exam is required in 10 states for Audiologists and 44 states for Hearing Aid Specialists and is reviewed by IHS every 5-7 years for necessary revisions. The last notice of change was November 2021 with an effective date of January 1, 2022 and reportedly included only a minor change to the weightings for different topic areas with the overall format unchanged. The cost to the applicant is \$225.00 regardless of whether it is a first attempt or a retake.

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

**ATTACHMENT(S):** None.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board  
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## AGENDA ITEM 6

### Consideration of and Recommendation to the Board on Revisions to *Board Policy 03: Dispensing Examinations*

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A routine review of Board policies identified needed revisions to *Board Policy 03: Dispensing Examinations* to incorporate Adopted Revision LCB File R095-19 which established a 30-day waiting period to retake the Dispensing Practical Exam. Additionally, questions raised around exam scoring and time limits prompted addition of this information to the revised policy.

Revisions are attached for the Committee's consideration and recommendation to the Board.

- Additions in in **bold blue font**
- Deletions in ~~strikeout red font~~

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

**ATTACHMENT(S):**

1. *Policy 03: Dispensing Examinations\_V4\_DRAFT 10 19 2022*



## State of Nevada

### Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

#### Policy 03

#### Dispensing Examinations & Scores

V4: Revised 10.19.2022

V3: Revised 4.22.2020

V2: Revised July 2018

V1: Initiated July 2016

#### Background

NRS 637B.194(3) and NRS 637B.205(2) establish the requirement for passing an examination approved by the Board to practice the fitting and dispensing of hearing aids. NAC 637B.0373 establishes the examination as having a written and practical portion, establishes application eligibility requirements to sit for the examination, addresses retakes following failed examination attempts, and authorizes the Board to establish the passing scores.

#### Policy

It is the policy of the Board to evaluate the qualifications and determine the eligibility of any applicant or potential applicant for any license or endorsement of a license issued pursuant to NRS 637B.

The Board has delegated to the Executive Director the authority to evaluate the qualifications of and determine the eligibility of an applicant for any license, in accordance with the requirements established by the Board.

#### Purpose

The purpose of this policy is to establish the Board approved examinations, the passing score required to be achieved for an applicant as a Hearing Aid Specialist or Dispensing Audiologist and establish the process and timeline for examinations.

#### Procedure

Applicants must pass both the written and practical examinations as prescribed by the Board:

##### 1. Written Examination

- a. Upon receipt of application for licensure, Board staff will submit an *ILE Candidate Authorization Form* to the IHS.
- b. Candidates will receive an email from the IHS with instructions for scheduling the examination and payment of fees.
- c. The Board will accept a score of 71% or above as PASSING on the written examination.
- d. The Board may accept a passing score obtained on the ILE Examination taken within the immediately preceding 12 months **per NAC 637B.0373(5)**.

##### 2. Practical Examination

- a. ~~Upon passing the ILE Written Examination, the practitioner should contact the Board office directly to schedule the Practical Exam.~~ Board staff will contact the practitioner to schedule the Practical Exam upon receipt of a passing score report on the ILE Written Examination from IHS.



- b. An examination will be scheduled on an individual basis in either Reno or Las Vegas with a Board-appointed proctor. Board staff will make every effort to schedule the examination in a timely manner but may be limited or delayed by proctor and/or candidate availability.
- c. Once scheduled, the candidate must pay the Practical Examination Fee prior to the scheduled exam date.
- d. Candidates are required to bring the following to the examination, with a more detailed list of requirements provided once the exam is scheduled:
  - 1) An audiometer; and
  - 2) An adult test subject. This individual may not be a person who would be a candidate for this examination in the foreseeable future.
- e. At the time of the examination, the proctor, candidate, and test subject must complete an *Informed Consent and Waiver of Liability* form.
- f. **There is no time limit established for completion of the exam.**
- g. **Under the authority granted in NAC 637B.0373(3) and in accordance with NRS 622.090, the Board** has established a comprehensive score of 75% or above as PASSING on the Practical Examination as follows:
  - 1) Each section of the Practical Examination must be scored at 75% or higher.
  - 2) If a section is scored below 75%, the examination will be discontinued with a FAIL.
- h. An applicant who fails an examination is eligible to re-take the examination upon payment of the fee but **no sooner than 30 days after the date of the previous examination**, per NAC 637B.0373 and **Adopted Revision LCB File R095-19 effective June 8, 2020.**

### 3. Special Circumstances

- a. **Apprentice Candidates**
  - 1) A HAS Apprentice may apply to convert their Apprentice license upon completion of 18 months of their apprenticeship period for purposes of scheduling and taking the written and/or practical examinations.
  - 2) The written examination must be completed with a passing score prior to the scheduling of the practical examination.
  - 3) The written examination must be completed with a passing score prior to the Apprentice scheduling the NBC-HIS certification examination.
- b. **Audiology Graduate Student Candidates**  
A graduate student in audiology may apply for licensure up to six (6) months in advance of completion of their fourth-year audiology externship in order to facilitate the scheduling of the written and practical dispensing examinations required for licensure in Nevada.
- c. **Reinstatement of License**  
A Dispensing Audiologist or Hearing Aid Specialist requesting license reinstatement must retake both the written and practical examinations unless one (1) of the conditions below applies:
  - 1) They passed the examinations within the past five (5) years; OR
  - 2) They did not pass the examinations within the past five (5) years but are currently licensed and actively practicing in another state.





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## AGENDA ITEM 7

### Update on FDA Rulemaking for Over-the-Counter Hearing Aids

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On August 16, 2022, the FDA released the [final rule](#) creating a new regulatory class of over-the-counter hearing aids which will go into effect on **October 17, 2022**.

No summary guidance has yet been issued by AAA, ASHA, or IHS, though AAA and ASHA appears to be planning to issue some. ASHA has an [Over-the-Counter Hearing Aid Toolkit](#) available on its website. Board staff have reached out to the DAG and Legislative Counsel Bureau to consult regarding current NRS/NAC in light of the new rule.

The following summarizes some of the major requirements and outlines where there were changes made between the proposed and final rules based on comments & suggestions:

- **Output Limits** will be a maximum of 111dB of sound pressure level, allowable at 117 dB SPL when input-controlled compression is activated. These limits were lowered from the proposed rule based on comments/research provided related to potential damage to user hearing.
- **Gain Limits** were not included in the proposed rule and were not added to the final rule, with the rationale that doing so could “constrain device design & innovation which could have an undesirable effect in device benefit to users”.
- **Design Requirements**
  - Allowable Insertion Depth is at least 10 mm from tympanic membrane (eardrum). This was a change, as the FDA agreed “that a fixed limit on the insertion depth of an OTC hearing aid is a better measurement than the anatomical landmark that we proposed”.
  - User-Adjustable Volume Control will be required on all OTC devices to provide reasonable safety, effectiveness, & customization that allows the user to choose output characteristics that address their hearing perception.
- **Labeling Definitions & Requirements** were revised to ensure use of plain language that is better understood by most users.
- **Conditions for Sale** were not revised despite suggestions to include age verification (not enough risk to require) and requirements for sellers to provide support by licensed persons (defeats the purpose of removing barriers/unbundling from professional services). Prescription sales are still subject to 21 CFR 801.109.
- **Scope & Definition** were not revised, as these devices are intended for perceived mild/moderate hearing impairment with no requirement for measurement of hearing loss to determine users meeting criteria.
- **Self-fitting Classification** will not be required, and clarification was provided on the difference between *customization*, “which allows the user to control the hearing aid and customize it to the user’s hearing needs”, and *fitting*, “a customization process that instills in the device frequency-dependent settings for the specific user.”
- **Quality System Requirements** will apply under CRF Part 820 for medical devices.

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

**ATTACHMENT(S):** None.



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## AGENDA ITEM 8

### Reports from Committee Chair and Members

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- a. Report from Committee Chair and Board Members
- b. Next Meeting: **Proposed for December 2022 or January 2023**
- c. Future Agenda Items

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

ATTACHMENT(S): None.



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## AGENDA ITEM 9

### Public Comment

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*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:** Informational only.

**ATTACHMENT(S):** None.



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## AGENDA ITEM 10

### Adjournment

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**ACTION:** Meeting adjourned.

**ATTACHMENT(S):** None.