



**State of Nevada**

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

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**MINUTES OF PUBLIC MEETING**

Advisory Committee on Fitting and Dispensing Hearing Aids

September 14, 2022

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**Members Present:** Michael Hodes; Lynee Anderson; 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:** Obioma Officer (NV Commission for Persons Who Are Deaf and Hard of Hearing); Laura Fink (NV DETR & NV Commission for Persons Who Are Deaf and Hard of Hearing)

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**Call to Order, Confirmation of Quorum**

Michael Hodes called the meeting to order at 4:30pm. A roll call confirmed a quorum was present.

**Public Comment**

There was no public comment.

**Approval of the Minutes**

Michael Hodes asked for corrections or a motion to approve the June 21, 2022 minutes as written. Melissa Maestas made a motion to approve the minutes as written, and Nanci Campbell seconded the motion. The motion passed.

**Work Session and Consideration for Recommendation to the Board on Proposed Revision to NAC 637B.0442**

Ms. Pierce summarized the Committee's June 2022 decision to recommend the Board pursue revisions to NAC 637B.0442 rather than licensing of Audiology Assistants and voted to bring the matter back to its next meeting for a work session to draft revised language. The matter was subsequently presented to the Board on July 19, 2022 and tabled until such time a recommendation is brought forth from this Committee.

The Committee was provided with a sample list of allowable and prohibited activities created by ASHA for Audiology Assistants, as well as examples of language used in other states describing the use of assistants/aides and the responsibility of the supervising practitioner. The Committee discussed potential language at length and came to consensus on draft language. Jennifer Joy-Cornejo made a motion to task the Executive Director with drafting revised language for review at the next meeting. Nanci Campbell seconded the motion. The motion passed. (Melissa Maestas voted No).

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

Ms. Pierce explained that there were two parts to this agenda item as follows:

### **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. Ms. Pierce shared that her research revealed that only two states use a third-party proctor company, but both only administer the exam in the home state. There does not appear to be a viable option at this time to send out-of-state candidates to qualified exam proctors and this Board's exam requirements and protocols are in-line with those of other states requiring the exam. No action was taken.

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

Ms. Pierce explained that 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 was presented for consideration to affirm the current requirement or recommend pursuit of a NAC revision to extend this allowance to 24 months to potentially lessen licensing barriers and costs. Ms. Pierce explained that the 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.

The Committee discussed the issue and several members commented that an extension to 24 months on the written exam seemed reasonable given that an applicant would still be required to complete the practical exam. Michael Hodes called for a motion. Melissa Maestas made a motion to recommend the Board pursue a revision to NAC 637B.0373(5) that would allow the Board to accept a passing score on the written ILE examination within the preceding 24 months. Lynee Anderson seconded the motion. The motion passed.

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

Ms. Pierce explained that 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. The Committee discussed the revisions at length, agreeing that all revisions were appropriate, but consensus was to establish a specific time limit in the policy for the Practical Exam, as IHS has not established a limit and instead leaves it up to each state. The Committee agreed that a 3-hour time limit was appropriate, and Michael Hodes called for a motion. Nanci Campbell made a motion to establish a 3-hour time limit for the IHS Practical Exam to be included in *Board Policy 03: Dispensing Examinations*. Lynee Anderson seconded the motion. The motion passed.

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

Ms. Pierce summarized that on August 16, 2022 the FDA released the final rule creating a new regulatory class of over the counter (OTC) hearing aids which will go into effect on October 17, 2022. Ms. Pierce reported that summary guidance had not yet been issued by AAA, ASHA, or IHS. Board staff have reached out to the DAG and

Legislative Counsel Bureau to consult regarding current NRS/NAC in light of the new rule and its impact on our current laws and regulations. Ms. Pierce also provided a summary of the major requirements and where changes were made between the proposed and final rules based on comments & suggestions.

Concerns were raised regarding a potentially inadvertent consequence of the new rule that may significantly impact Dispensing Audiologists and Hearing Aid Specialists and their ability to continue independently fitting and dispensing hearing aids. Specifically, since the FDA has now established a new/different category of “over the counter” hearing aids, existing hearing aids have been recategorized as “prescription” devices. The Committee discussed the matter at length with great concern as to whether this new rule would require a “prescription” and if so, whether existing state law grants Audiologists and Hearing Aid Specialists the authority to “prescribe” these devices under current fitting and dispensing rules. It was agreed that more information is needed, and the matter may require legislative action in the upcoming session. The Committee agreed that it would like more information and to hold a follow up meeting prior to the October Board meeting. Michael Hodes called for a motion. Nanci Campbell made a motion to direct the Executive Director to gather more information on “prescription” authority and the impact of the new rule and bring the Committee back to a follow-up meeting as soon as possible. Melissa Maestas seconded the motion. The motion passed.

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

There were no reports from the Committee Chair or Members. The next regular Committee meeting was proposed for January 2023 with agreement that an interim meeting would be held sooner for an update on the new FDA rule. A future agenda item was requested to review where authority is given for Ear, Nose, and Throat (ENT) Specialists to take earmold impressions and Ms. Pierce agreed to research this and bring it back to a future meeting. No other future agenda items were suggested.

#### **Public Comment**

There was no public comment.

#### **Adjournment**

Michael Hodes adjourned the meeting at 6:02pm.