



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, January 18, 2023 ~ 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>

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Meeting ID: 895 9647 6953 **Passcode:** 141174

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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 September 14, 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 Revisions to NRS 637B.050 "Practice of audiology" defined. and/or NRS 637B.055 "Practice of fitting and dispensing hearing aids" defined. *(for possible action)*

6. Consideration of Authority Given to ENT Specialists to Make Earmold Impressions *(for possible action)*

7. Update on FDA Final Rule on Over-the-Counter Hearing Aids and Consideration to Recommend Revisions to NRS and/or NAC to Align with Federal Law *(for possible action)*
8. Update on IHS Practical Exam Revisions and Consideration for Recommendation to the Board for Revision to NAC 637B.030 to Increase Exam Fee *(for possible action)*
9. Reports from Committee Chair and Members
 - a. Report from Committee Chair and Board Members *(for possible action)*
 - b. Next Meeting: Proposed for April 12, 2023 *(for possible action)*
 - c. Future Agenda Items *(for possible action)*

10. 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)

11. 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
www.notice.nv.gov

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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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.



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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: Informational only.

ATTACHMENT(S): None.



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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 September 14, 2022

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.



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Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

MINUTES OF PUBLIC MEETING

Advisory Committee on Fitting and Dispensing Hearing Aids

September 14, 2022

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)

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).

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

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

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

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.



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 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

At its September 2022 meeting, the Committee reviewed and approved sample lists 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 drafted revised language is presented here for review and recommendation to the Board.

Additions in **GREEN FONT**
 Deletions in **STRIKEOUT RED FONT**

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

1. **The use of unlicensed assistants is allowed with no requirement for licensure, certification, or registration by the Board. These assistants must work under the direction and supervision of a licensed Audiologist, Dispensing Audiologist, or Hearing Aid Specialist. A licensee supervising an assistant must assume responsibility for all services provided by the assistant. (Combination of Indiana/Connecticut as recommended.)**
2. Except as otherwise provided in subsection 2, a **Hearing Aid Specialist, Audiologist, 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 **audiology** or fitting and dispensing hearing aids if the **Hearing Aid Specialist, Audiologist, 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.
3. The duties that may be delegated to an **office unlicensed** assistant, ~~aide or technician~~ pursuant to this section include, without limitation:
 - (a) **Cleaning ~~a~~ hearing aids and amplification devices;** (Edited with 7 from ASHA list)
 - (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;**
 - (h) **Greeting, escorting, and scheduling patients;** (Combination of 1 & 2 from ASHA list)
 - (i) **Packaging and mailing earmold orders, device repairs, and manufacturer/lab returns;**
 - (j) **Maintaining inventories of supplies and checking function of equipment;**
 - (k) **Performing checks on hearing aids and other amplification devices;**
 - (l) **Performing troubleshooting and minor repairs to hearing aids, earmolds, and other amplification devices;**



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- (m) *Performing electroacoustic analysis of hearing aids and other amplification devices;*
 - (n) *Instructing patients in proper use and care of hearing aids and other amplification devices;*
 - (o) *Demonstrating alerting and assistive listening devices;*
 - (p) *Instructing patients in proper ear hygiene;*
 - (q) *Assisting audiologists in treatment programs;*
 - (r) *Assisting audiologists with setup and technical tasks;*
 - (s) *Preparing materials for ear impressions;*
 - (t) *Maintaining and restocking test and treatment rooms;*
 - (u) *Performing equipment maintenance and biological checks;*
 - (v) *Conducting hearing and tympanometric screening on older children and adults (without interpretation);*
 - (w) *Conducting otoacoustic emission screening;*
 - (x) *Performing nondiagnostic otoscopy;*
 - (y) *Performing pure-tone audiologic reassessment on established patients;*
 - (z) *Preparing the patient for VNG/ENG or evoked testing;*
 - (aa) *Assisting audiologists in hearing testing of pediatric patients;*
 - (bb) *Performing pure-tone hearing screening and universal newborn hearing screening tests;*
 - (cc) *Performing infection control duties within the clinic/service;*
 - (dd) *Assisting patients in completing case history or other relevant forms;*
 - (ee) *Interacting with hearing instrument manufacturers/suppliers regarding status of orders/repairs;*
 - (ff) *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)*
4. A *Hearing Aid Specialist, Audiologist, or Dispensing Audiologist* shall not delegate any duty to an *office unlicensed assistant, ~~aid or technician~~* pursuant to this section that requires professional or advanced training for the practice of *audiology or 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;*
 - (e) *Determining case selection or evaluation protocols;*
 - (f) *Interpreting observations or data into diagnostic statements of clinical management strategies or procedures;*
 - (g) *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;*
 - (h) *Writing, developing, or modifying a patient's individualized treatment plan;*
 - (i) *Assisting with patients without following the treatment plan prepared by the audiologist or without proper supervision;*
 - (j) *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;*
 - (k) *Transmitting or disclosing clinical information, either orally or in writing, to anyone, including the patient, without the approval of the supervising audiologist;*



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- (l) Selecting patients for treatment services or discharging patients from treatment services*
- (m) Counseling or consulting with the patient, family, or others regarding the patient status or service or making referrals for additional services; and*
- (n) 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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Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 5

Consideration for Recommendation to the Board on Revisions to *NRS 637B.050 "Practice of audiology" defined. and/or NRS 637B.055 "Practice of fitting and dispensing hearing aids" defined.*

[NRS 637B.205](#) requires that *"an audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids"* must also hold the required Dispensing Endorsement to do so.

However, we have noted an overlap between the two sections of NRS that define the *"practice of Audiology"* and *"practice of fitting and dispensing hearing aids"*, listed below. Fitting and dispensing activities are currently included in the *"practice of audiology"* despite not being allowed without the required endorsement. This overlap in language may have occurred when the formerly separate Boards merged in 2015.

This matter is brought to the Committee to consider a recommendation to the Board for revision or removal of the highlighted area and/or any other language below in a future legislative session to clarify both scopes of practice.

[NRS 637B.050](#) "Practice of audiology" defined. *"Practice of audiology" means the application of principles, methods and procedures relating to hearing and balance, hearing disorders and related speech and language disorders and includes, without limitation:*

1. *The conservation of auditory system functions;*
2. *Screening, identifying, assessing and interpreting, preventing and rehabilitating auditory and balance system disorders;*
3. *The selection, fitting, programming and dispensing of hearing aids, the programming of cochlear implants and other technology which assists persons with hearing loss and training persons to use such technology;*
4. *Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services;*
5. *Conducting research on hearing and hearing disorders for the purpose of modifying disorders in communication involving speech, language and hearing;*
6. *Providing referral services for medical diagnosis and treatment; and*
7. *At the request of a physician, participating in the diagnosis of a person.*

[NRS 637B.055](#) "Practice of fitting and dispensing hearing aids" defined. *"Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:*

1. *Making impressions for earmolds;*
2. *Administering and interpreting tests of human hearing and middle ear functions;*
3. *Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;*
4. *Selecting and fitting hearing aids;*
5. *Providing assistance to a person after the fitting of a hearing aid;*
6. *Providing services relating to the care and repair of hearing aids;*



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7. *Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and*
8. *Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.*

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

ATTACHMENT(S): None.



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Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 6

Consideration of Authority Given to ENT Specialists to Make Earmold Impressions

At the Committee's September 2022 meeting a request was made to add this as a future agenda item for discussion on authority given to Ear, Nose, and Throat (ENT) Specialists to take earmold impressions. In Nevada, ENT or Otolaryngology physicians may be licensed by and practice under the laws & regulations of one of the following state Boards:

M.D. - Nevada Board of Medical Examiners – [NRS 630](#) & [NAC 630](#)

The definitions for physicians and the practice of medicine are listed below, and the Board has confirmed there is no specific scope of practice for ENT physicians. There is also no reference to fitting hearing aids in *NRS 630.047 Applicability of chapter*.

NRS 630.014 "Physician" defined. "Physician" means a person who has complied with all the requirements of this chapter for the practice of medicine.

NRS 630.020 "Practice of medicine" defined. "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.
2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.
3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.
4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

D.O. - Nevada Board of Osteopathic Medicine – [NRS 633](#) & [NAC 633](#)

The definitions for osteopathic physicians and the practice of osteopathic medicine are listed below, and the Board has confirmed there is no specific scope of practice for ENT physicians. However, there is a reference to fitting hearing aids in *NRS 633.171 Applicability of chapter*.

NRS 633.081 "Osteopathic medicine" and "osteopathy" defined. "Osteopathic medicine" or "osteopathy" means the school of medicine which:

1. Utilizes full methods of diagnosis and treatment in physical and mental health and disease, including the prescribing and administering of drugs and biologicals of all kinds, operative surgery, obstetrics, radiological and other electromagnetic emission; and
2. Places emphasis on the interrelationship of the musculoskeletal system to all other body systems.

NRS 633.091 "Osteopathic physician" defined. "Osteopathic physician" means a person who:

1. Is a graduate of an academic program approved by the Board or is qualified to perform medical services by reason of general education, practical training and experience determined by the Board to be satisfactory; and
2. Has received from the Board a license to practice osteopathic medicine.



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NRS 633.108 *"Practice of osteopathic medicine" defined. "Practice of osteopathic medicine" includes, without limitation, the performance of an autopsy.*

NRS 633.171 *Applicability of chapter. [Effective January 1, 2022.]*

1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

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

ATTACHMENT(S): None.



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AGENDA ITEM 7

Update on FDA Final Rule on Over-the-Counter Hearing Aids and Consideration to Recommend Revisions to NRS and/or NAC to Align with Federal Law

At the Committee's September 2022 meeting there were concerns regarding the effect of the Final Rule's "prescription" language for non-OTC hearing aids. Since that meeting, the FDA issued additional guidance and the Board received legal counsel, both assuring there were no concerns as reported.

On October 20, 2022, guidance was provided to licensees on the effects of the Final Rule in the context of Nevada laws and regulations, as summarized below. All existing laws and regulations in [NRS 637B](#) and [NAC 637B](#) remain in effect in relation to prescription hearing aids except where federal law takes precedence over state law. Legal counsel advised that the Board may choose to pursue future changes to NRS and/or NAC to align with the final rule as it deems appropriate.

Specifically, a medical evaluation or signed waiver to obtain either category of hearing aids is no longer required by federal law, as [21 CFR 801.421](#) was repealed. However, the federal rule authorizes states to maintain existing state laws or regulations that require a medical evaluation or signed waiver. One section of NRS, and two sections of NAC, below, remain in effect, specific to this issue and only for the sale of hearing aids by catalog, mail or Internet.

These are presented to the Committee to affirm or consider a recommendation to the Board to revise through legislation or administrative rulemaking.

Section	Section Title	Status After Final Rule	Impact on Practice
NRS 637B.242	<i>Sale of hearing aids by catalog, mail or Internet: Conditions; records; regulations.</i>	REMAINS IN EFFECT	Licensees must still obtain a medical evaluation or waiver ONLY WHEN selling hearing aids by catalog, mail, or Internet.
NRS 637B.250(2)(d)(1)	<i>Grounds for Initiating Disciplinary Action</i>	NO LONGER APPLICABLE	21 CFR 801.421 was included as grounds for disciplinary action, but no longer exists, so cannot be a reason for disciplinary action.
NAC 637B.0444	<i>Requirements concerning waiver by client of medical evaluation.</i>	CONDITIONALLY APPLICABLE	.0444 Describes requirements for obtaining a waiver of medical evaluation. .045 Requires waiver of medical evaluation to be included in patient records.
NAC 637B.045	<i>Preparation and retention of health care records and other records.</i>		Both are NO LONGER APPLICABLE to in-person hearing aid fitting and dispensing but STILL APPLICABLE to sales of hearing aids by catalog, mail, or Internet. (per NRS 637B.242 above)

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

ATTACHMENT(S): None.



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AGENDA ITEM 8

Update on IHS Practical Exam Revisions and Consideration for Recommendation to the Board for Revisions to NAC 637B.030 to Increase Exam Fee

IHS held a Licensing Board Conference on December 7, 2022 and reported that they have revised the Dispensing Practical Examination which should be released in the next few months. Our understanding is that much of the content will remain the same, but administration of the exam has changed. IHS reported it had tested the exam on four candidates and it is taking about 2.5 hours to complete.

IHS has also reported that there will most likely be an increase in the cost of the exam booklets as the current rate hasn't been changed in quite some time. Most entities pay \$100 per exam, while our Board has benefited from a negotiated rate of \$50 per exam booklet. This rate, coupled with the \$100 paid to the exam proctor, nets the Board \$50 of the \$200 paid by the applicant to cover staff & scheduling costs. Should the exam booklet cost increase to \$100, the Board's budget may be negatively impacted with no revenue to cover administrative costs in setting up these exams. Staff have reached out to IHS to inquire about a continued lower rate.

The Board's [NRS 637B.175](#) sets a fee cap of \$300 for the examination, and the current fee established in NAC charged to an applicant is \$200 (below). Notably, this is the only fee that is not already at the maximum cap limit. The Committee may consider a recommendation to the Board to pursue a revision to NAC 637B.030 to increase the examination fee.

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

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

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

Reports from Committee Chair and Members

- a. Report from Committee Chair and Board Members
- b. Next Meeting: **Proposed for April 12, 2023**
- c. Future Agenda Items

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

ATTACHMENT(S): None.



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AGENDA ITEM 10

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: Informational only.

ATTACHMENT(S): None.



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AGENDA ITEM 11

Adjournment

ACTION: Meeting adjourned.

ATTACHMENT(S): None.