



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, April 12, 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>

Teleconference Access

ZOOM VIDEO & AUDIO:

<https://us02web.zoom.us/j/87173241769?pwd=dEh5YTBXWjJsWFQ1c0hDQ0N2dTxBxQT09>

AUDIO ONLY BY TELEPHONE: (669) 900-6833

Meeting ID: 871 7324 1769 **Passcode:** 233668

If you are outside the United States or need **toll-free audio access**, please contact the Board office at 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 January 18, 2023 (for possible action)

4. Review and Feedback on Regulation Review and Proposal for Revision/Modification and Draft Report for Executive Order 2023-003 (for possible action)

5. Review and Recommendation to the Board on Revision to NRS 637B.050 "Practice of audiology" defined to Include Reference to Required Endorsement for Fitting and Dispensing Hearing Aids (for possible action)

6. **Review and Recommendations on Investigations of Complaints Related to Fitting and Dispensing Hearing Aids Pursuant to NAC 637B.034** *(for possible action)*
7. **Update on IHS Practical Exam Revision and Fees** *(for possible action)*
8. **Reports from Committee Chair and Members**
 - a. Service Recognition for Michael Hodes, Committee Chair (Term Expires 7/1/2023) *(informational only)*
 - b. Report from Committee Chair and Board Members *(for possible action)*
 - c. Next Meeting: Tentative/Hold for Wednesday, June 21, 2023 *(for possible action)*
 - d. Future Agenda Items *(for possible action)*
 - (1) Election of new Committee Chair from appointed Board members.

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 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.

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



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 1

Call to Order, Confirmation of Quorum

Call to Order, Confirmation of Quorum.

ACTION: Meeting called to order.

ATTACHMENT(S): None.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

Advisory Committee on Fitting and Dispensing Hearing Aids

AGENDA ITEM 2

Public Comment

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

ACTION: Informational only.

ATTACHMENT(S): None.



State of Nevada

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

AGENDA ITEM 3

Approval of the Minutes: Meeting of the Advisory Committee on Fitting and Dispensing Hearing Aids of January 18, 2023

The minutes of the meeting of January 18, 2023 are presented for approval.

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

ATTACHMENT(S):

1. 2023 1 18 Minutes Not Yet Approved

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



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

MINUTES OF PUBLIC MEETING

Advisory Committee on Fitting and Dispensing Hearing Aids

January 18, 2023

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: Linnette Ollsen

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

Linnette Ollsen introduced herself from the Social Security Administration, Office of Disability Adjudication & Review. Ms. Olsen stated that she was attending the meeting to leave her contact information, as she is recruiting Audiologists in both Northern and Southern Nevada to Perform SSA exams on claimants who are currently being sent out of state due to a lack of examiners in Nevada. If any Audiologist is interested she may be reached by telephone at (775) 492-9746 or email at linnette.ollsen@ssa.gov.

Approval of the Minutes

Michael Hodes asked for corrections or a motion to approve the September 14, 2022 minutes as written. Melissa Maestas made a motion to approve the minutes as written, and Jennifer Joy-Cornejo seconded the motion. The motion passed.

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

Ms. Pierce referred to the September 2022 meeting where 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. Language was revised and drafted for approval in advance of the meeting, however the matter was not discussed and instead tabled per the Governor's Executive Orders 2023-003 and 2023-004.

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

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.

Ms. Pierce explained that this matter was brought to the Committee to consider a recommendation to the Board for revision or removal of language in NRS 637B to clarify the “practice of audiology” and “practice of fitting and dispensing hearing aids”. Fitting and dispensing activities are currently included in the “practice of audiology” despite not being allowed without the endorsement required in NRS 637B.205:

*NRS 637B.205 Endorsement for certain licensees or applicants to practice fitting and dispensing hearing aids:
“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:*

*1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and
2. Pass an examination prescribed by the Board pursuant to NRS 637B.194. The examination must be identical to the examination required for the licensure of hearing aid specialists.*

Jennifer Joy-Cornejo made a motion to request a draft a revision to NRS 637B.050 that clarifies/cites the dispensing endorsement requirement in NRS 637B.205 for review at a future meeting and consideration to recommend revision to the Board. Melissa Maestas seconded the motion. The motion passed unanimously.

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. The request was specific to concerns at that time around the FDA final rule and before clarification was received from the FDA on prescription hearing aids.

Ms. Pierce provided the Committee with information on ENT licensing and scopes of practice through both the Nevada Board of Medical Examiners and Nevada Board of Osteopathic Medicine. No action was taken.

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

Ms. Pierce summarized that per the Final Rule, 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. LCB legal counsel advised in October 2022 that the Board could choose to pursue revisions to NRS and/or NAC to align with the final rule as it deemed 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.

Thus, one section of NRS (637B.242), and two sections of NAC (637B.0444 and 637B.045) remain in effect, but only apply to the sale of hearing aids by catalog, mail, or Internet. These were presented to the Committee to affirm or consider recommendations to the Board.

There was no discussion of proposed NAC revisions per the Governor’s Executive Orders 2023-003 and 2023-004. The Committee discussed the remaining NRS section and agreed that it is appropriate to keep in place. Nanci Campbell made a motion to affirm and recommend no changes to NRS 637B.242. Jennifer-Joy Cornejo seconded the motion. The motion passed unanimously.

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

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

Ms. Pierce summarized that 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. It was reported that much of the content will remain the same, but administration of the exam has changed. IHS reports it has 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 cost as the current rate hasn't been changed in quite some time. Most entities pay \$100 per exam, while our Board has enjoyed 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.

There was no discussion of proposed NAC revision per the Governor's Executive Orders 2023-003 and 2023-004 and no action was taken.

Reports from Committee Chair and Members

Michael Hodes asked if there were any reports from the Committee Members and Melissa Maestas shared concerns about a recent practical examinee who brought their two small children to the examination and created difficulty for both her and the examinee. There was discussion around exam rules & guidelines and Board staff reported that after this was reported, guidance was added to the practical exam scheduling letter asking that examinees not bring children. Staff also confirmed that examinees are required to bring a test subject who is at least 18 years of age. It was suggested that if these issues persist, the Committee could consider recommendations on Board policy, and that the new IHS exam requirements may also address these issues more specifically.

Ms. Pierce also shared that a future agenda item will be added in July 2023 to address election of a new Committee Chair as Michael Hodes' term will end July 1, 2023 and the Board should have a new Audiologist appointed. The next regular Committee meeting was proposed and agreed upon for Wednesday, April 12, 2023.

Public Comment

There was no public comment.

Adjournment

Michael Hodes adjourned the meeting at 5:12pm.



State of Nevada

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

AGENDA ITEM 4

Review and Feedback on Regulation Review and Proposal for Revision/Modification and Draft Report for Executive Order 2003-003

Pursuant to Governor's Executive Order 2003-003, this Board must submit a report to the Governor's Office by May 1, 2023 that includes:

- A comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.
- Identification of ten (10) or more regulations recommended for removal.
- Stakeholder input regarding the proposed revisions as received at a public meeting pursuant to NRS Chapter 233B.

All regulations must be reviewed and may be proposed for modification or removal.

A draft of the required report is attached for the Committee's review and feedback to the Board. An initial review has been conducted with recommendations included, and the report may be revised prior to submission to include recommendations from the Board, Advisory Committee, or stakeholders/licensees/public.

A full copy of NAC 637B and the two recent (2020 and 2022) revisions that were adopted but not yet codified is also included for reference.

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

ATTACHMENT(S):

1. 2023-003 Executive Order Report DRAFT 4 6 2023
2. NAC Chapter 637B and Adopted Revisions

Report for Executive Order 2023-03

**DRAFT FOR FEEDBACK AT PUBLIC HEARING – REVISED 4/6/2023
PENDING REVIEW/RECOMMENDATION FROM BOARD AND
ADVISORY COMMITTEE ON FITTING AND DISPENSING HEARING AIDS**

Name of department, agency, board, or commission: Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

Address: 6170 Mae Anne Avenue, Suite 1

City: Reno

Zip: 89523

Telephone: (775) 787-3421

Name of Director: Jennifer Pierce

Director Email: execdirector@nvspeechhearing.org

Section 1 - Comprehensive Review of Regulations / Section 3 – Mandatory Meeting and Report

The above-named department, agency, board, or commission conducted a comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. The regulations identified for Section 1 of Executive Order 2023-03 are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

Regulation/ Information as required on page 1	Page number
1. NAC 637B.030: Revise to clearly delineate the fee for renewal of an inactive license.	Page 2
2. NAC 637B.0373(5): Revise to extend acceptance of passing score on Written ILE Dispensing Exam from previous 12 months to previous 24 months.	Page 3
3. NAC 637B.0385(2): Revise section on notices provided to licensees by the Board.	Page 4
4. NAC 637B.0398(3): Revise subsection number referenced for NAC 637B.0442.in alignment with proposed revision to expands the list of duties that may be delegated.	Page 5
5. NAC 637B.0442: Revise to expand allowable duties that may be delegated to an unlicensed assistant.	Page 6
6. NAC 637B.0444: Replace reference to 21 C.F.R. § 801.421 (repealed) with NRS 637B.242.	Page 9

Section 2 – Regulation for Removal / Section 3 – Mandatory Meeting and Report

The above-named department, agency, board or commission conducted a comprehensive review of the regulations subject to its enforcement and identified the following ten (10) or more regulations recommended for removal. The regulations identified for Section 2 of Executive Order 2023-03, ranked in descending order of priority, are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

Regulation/Information as required on page 1	Page number
1. NAC 637B.0365(1)(c): Remove requirement for ABA/ASHA/NBC-HIS certification at license reinstatement.	Page 10
2. NAC 637B.0392(4): Remove requirement that the Board maintain a list of approved apprentice academic training programs.	Page 11
3. NAC 637B.700: Remove requirement for formal written communications and documents to be addressed to the Board (and not individual Board members or staff.	Page 12

I. Regulations with Modifications Recommended (Section 1)

637B.030 Schedule of fees.

1. Citation with Proposed Modification

637B.030 Schedule of fees.

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 an inactive or temporary license.....	50
Reinstatement fee for a standard license or provisional license expired 30 days or more.....	100
Reinstatement fee for a standard license or provisional license expired less than 30 days.....	75
Examination fee.....	200
Fee for converting to a different type of license.....	50
Fee for each additional license or endorsement.....	50
Fee for obtaining license information.....	50

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

2. Explanation for Proposed Change

The proposed revision seeks to clearly delineate the fee for renewal of an inactive license.

- A licensee wishing to convert from active to inactive may only do so at the time of renewal and when chosen, currently pays \$75.00 for the inactive license renewal (vs. \$100.00 for an active license).
- The license may be converted back to active status at any time with payment of the \$50.00 conversion fee. However, the licensee will have then paid a total of \$125.00, while keeping the license active would have only cost \$100.00.
- This change ensures that \$100.00 is the maximum fee a licensee will pay for either 1) renewal of an active license or 2) renewal of an inactive license and subsequent conversion back to active status.
- As of 3/31/2023, just 35 licenses are inactive, and this should not significantly impact Board revenue.

3. Estimated Impact

- Adverse and Beneficial Effects: The change is beneficial to licensees though a reduction in fees charged. No adverse effects have been identified.
- Positive or Negative Economic Impact: Licensees will see a positive economic impact through lower fees. The Board may see a slight decrease in revenue, however this should not be significant given the small number of inactive licenses.
- Cost Savings to the State or Agency: This revision will not result in cost savings to the State or Agency.

637B.0373(5) Examination for license to engage in practice of fitting and dispensing hearing aids: Contents; eligibility; passing score; authorization to retake upon payment of fee.

1. Citation with Proposed Modification

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

1. *The examination prescribed by the Board pursuant to NRS 637B.194 must consist of a written portion and a practical portion. The examination may also include a portion that tests the familiarity of an applicant with the provisions of this chapter and chapter 637B of NRS and all other federal laws and regulations relevant to the practice of fitting and dispensing hearing aids in this State.*
2. *To be eligible to take the examination set forth in subsection 1, an applicant must:*
 - (a) *File a completed application with the Executive Director of the Board; and*
 - (b) *Pay the examination fee prescribed by NAC 637B.030.*
3. *The Board will establish the passing score for the examination set forth in subsection 1.*
4. *If an applicant does not achieve a passing score on the examination set forth in subsection 1, as established by the Board pursuant to subsection 3, he or she may retake the examination upon payment of the examination fee prescribed by NAC 637B.030.*
5. *The Board may approve and accept a passing score obtained on a written examination taken within the immediately preceding ~~12~~ 24 months if the examination taken by the applicant was substantially the same as the written portion of the examination prescribed by the Board.*

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

2. Explanation for Proposed Change

- This revision extends the allowance for the Board to accept a passing score obtained on a written examination taken within the immediately preceding 24 months (instead of 12) if the examination taken by the applicant was substantially the same as the written portion of the examination prescribed by the Board.
- This revision will reduce barriers to licensing while still maintaining high licensing standards, and applicants must still pass the dispensing practical examination.
- This revision was approved by the Board as recommended by the Advisory Committee on Fitting and Dispensing Hearing Aids in 2022 with plans to pursue the revision during the 2023-2024 interim but tabled as a result of the Governor's Executive Order 2023-003 suspending action on new regulations.

3. Estimated Impact

- a. Adverse and Beneficial Effects: License applicants who meet the extended examination criteria will benefit from a reduction of barriers/time to licensing. Expedited licensing positively results in more qualified, licensed practitioners available to serve the public. No adverse effects have been identified.
- b. Positive or Negative Economic Impact: A positive impact is the availability of more qualified, licensed practitioners available to serve the public, which increases access to healthcare services and bolsters income for providers. No negative economic impacts are noted.
- c. Cost Savings to the State or Agency: This revision will not result in cost savings to the State or Agency.

637B.0385(2) Information to be maintained with Board; notices provided to licensee by Board.**1. Citation with Proposed Modification**

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

1. *Each licensee shall:*
 - (a) *Maintain with the Board the licensee's current residential address, business address or other contact information, including, without limitation, the telephone number and electronic mail address of the licensee, if available.*
 - (b) *Notify the Board of any change in the information maintained pursuant to paragraph (a) not later than 30 days after the change.*
2. *Except as otherwise provided in subsection 3, the Board will provide by United States mail to the last known residential address **or electronic mail address** of the licensee provided pursuant to paragraph (a) of subsection 1 any notice to a licensee that is required by law or regulation.*

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

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

2. Explanation for Proposed Change

- The revision allows the Board to provide notices required by law to the last known electronic mail address of a licensee without requiring prior written consent.
- As licensees are required to keep all information up to date with the Board, electronic email addresses are presumed to be as reliable as a residential address.

3. Estimated Impact

- a. Adverse and Beneficial Effects: Electronic mail is a more efficient and economical means of sending correspondence compared to postal mail and will benefit licensees through timely notification by the Board. One adverse effect may be that licensees do not receive electronic mail notices, though this is a possibility for postal mail as well.
- a. Positive or Negative Economic Impact: No economic impacts are noted.
- b. Cost Savings to the State or Agency: This revision will result in cost savings to the Agency by reducing the costs of postage.

637B.0398(3) Duties of sponsor; review of work; direct supervision not required for certain duties; prohibition on operating office or satellite office without approval of Board

1. Citation with Proposed Modification

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

1. *A sponsor of an apprentice shall:*
 - (a) *Except as otherwise provided in subsection 3, provide direct supervision to the apprentice;*
 - (b) *Determine the competency level of the apprentice to perform tasks relating to fitting and dispensing hearing aids;*
 - (c) *Evaluate the work of the apprentice;*
 - (d) *Document the training provided to and the direct supervision of the apprentice; and*
 - (e) *Provide written notification to the Board if:*
 - (1) *The apprentice is no longer under the sponsorship of the sponsor;*
 - (2) *The apprentice withdraws from or terminates his or her in-service training;*
 - (3) *The sponsor withdraws as a sponsor for the apprentice;*
 - (4) *The apprentice has completed 1 year of in-service training under the direct supervision of the sponsor and the sponsor believes that the apprentice is competent to work without physical on-site supervision; or*
 - (5) *The apprentice successfully completes all the requirements for in-service training.*
2. *All work completed by an apprentice must be reviewed daily and signed by the sponsor and the apprentice.*
3. *An apprentice is not required to be under the direct supervision of a sponsor when performing any of the duties that may be delegated to an office assistant, aide or technician pursuant to subsection ~~HH~~ 3 of NAC 637B.0442.*
4. *An apprentice shall not maintain, run or operate an office or a satellite office in which hearing aids are fitted and dispensed without the approval of the Board.*
5. *As used in this section, "direct supervision" means:*
 - (a) *During the first year of the in-service training of an apprentice, being physically on-site at the same location as the apprentice.*
 - (b) *After the first year of the in-service training of an apprentice and upon attaining the approval of the Board, daily communication with the apprentice without the requirement of being physically on-site at the same location as the apprentice.*

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

2. Explanation for Proposed Change

Revised to provide correct reference in alignment with proposed revision to NAC 637B.0442 which expands the list of duties that may be delegated and changes the subsection number referenced.

3. Estimated Impact

- a. Adverse and Beneficial Effects: Not applicable; administrative revision of reference to NAC 637B.0442.
- b. Positive or Negative Economic Impact: No economic impacts have been noted.
- c. Cost Savings to the State or Agency: This revision will not result in cost savings to the State or Agency.

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

1. Citation with Proposed Modification

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 unlicensed assistant assumes full responsibility for all services provided by the assistant.*
2. ~~1.1~~ *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 ~~and~~ hearing aids and amplification devices;*
 - (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;*
 - (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;*
 - (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 licensed audiologists, dispensing audiologists, or hearing aid specialists in treatment programs;*
 - (r) Assisting licensed audiologists, dispensing audiologists, or hearing aid specialists 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 licensed audiologists, dispensing audiologists, or hearing aid specialists 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 only if fluent in a language in addition to spoken English and having the necessary training and skills to translate or interpret.*
4. A hearing aid specialist, audiologist, or dispensing audiologist shall not delegate any duty to an ~~office~~ **unlicensed** assistant **[, aide 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 such as treatment plans, reimbursement forms, progress notes, or other reports as applicable;*
 - (k) Transmitting or disclosing clinical information, either orally or in writing, to anyone, including the patient, without the approval of the supervising hearing aid specialist, audiologist, or dispensing audiologist;*
 - (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 hearing aid specialist, audiologist, or dispensing audiologist.*

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

2. Explanation for Proposed Change

- This revision seeks to expand the limited duties that may be delegated to an unlicensed assistant by an Audiologist, Dispensing Audiologist, or Hearing Aid Specialist. This is a common practice in many states and leaves the training, supervision, and liability for the assistant up to the licensed supervisor.
- An emerging trend nationally has been the licensing/regulation of Audiology Assistants who may perform delegated tasks that are prescribed, directed, and supervised by a certified and/or licensed Audiologist.
- While not recognized or regulated in all states, the American Speech-Hearing Association (ASHA) has also begun offering a formal Audiology Assistant certification program.
- The Board has been discussing this new role for several years, and in 2022, the Advisory Committee on Fitting and Dispensing Hearing Aids recommended this revision as an alternative to adding formal licensing of Audiology Assistants through an NRS revision.
- Revised language was drafted and set for review and recommendation to the Board in January 2023 but was tabled as a result of the Governor's Executive Order 2023-003 suspending action on new regulations.

3. Estimated Impact

- a. Adverse and Beneficial Effects: The revision is intended to provide a positive benefit to individuals wishing to work in an assistant role but currently unable to do so outside of a handful of approved activities allowed in the current regulation. The revision also benefits licensees by allowing delegation of non-billable/low-value activities which free up time for the licensed practitioner to focus on patient care. This results in a positive impact for patients who will benefit from increased access to services. Revising this regulation to expand allowable duties to delegate is a much simpler, accessible, and efficient alternative to requiring formal licensure of these personnel by the Board. Rather than the Board certifying an assistant's education and skills, this revision places that responsibility with the licensed supervisor who must train, supervise, and delegate tasks to the assistant that are commensurate with their skills and abilities.
- b. Positive or Negative Economic Impact: Persons wishing to work as assistants will benefit from the opportunity to earn wages commensurate with healthcare support roles without the expense of formal education, practical training, or certification. This revision will also positively impact licensees who may utilize assistants for non-billable/low-value tasks to increase the time they may spend on billable/higher-value activities. No negative economic impacts are noted.
- c. Cost Savings to the State or Agency: This revision will result in savings to the Board as a less costly alternative than formal licensing for assistants, which would require a legislative change and to develop licensing procedures and provide ongoing oversight.

637B.0444 Requirements concerning waiver by client of medical evaluation.**1. Citation with Proposed Modification****637B.0444 Requirements concerning waiver by client of medical evaluation.**

If a hearing aid specialist or dispensing audiologist offers a client a waiver of the medical evaluation required by ~~21 C.F.R. § 801.421~~ NRS 637B.242, the hearing aid specialist or dispensing audiologist shall:

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

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

2. Explanation for Proposed Change

The revision removes the reference to 21 C.F.R. § 801.421 as it was repealed by the [FDA Final Rule on OTC Hearing Aids](#), however [NRS 637B.242](#) still requires this waiver for sales of hearing aids by catalog, mail, or Internet.

3. Estimated Impact

- a. Adverse and Beneficial Effects: Licensees will benefit from practice law and guidance that is accurate and reflective of changes to federal law. No adverse effects have been identified.
- b. Positive or Negative Economic Impact: No positive or negative economic impacts have been identified.
- c. Cost Savings to the State or Agency: This revision will not result in cost savings to the State or Agency.

II. Regulations Recommended for Removal (Section 2)

637B.0365(1)(c) Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application.

1. Citation with Proposed Modification

637B.0365 Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application.

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

- (a) Proof satisfactory that the applicant has completed the continuing education that is required of a licensee for the year immediately preceding the application for reinstatement.
- (b) The fees imposed by the Board pursuant to NRS 637B.175 for the reinstatement of a license.

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

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

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

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

2. Explanation for Proposed Change

- ABA certification is not required for initial licensure as an Audiologist or Dispensing Audiologist.
- The ASHA CCC-SLP and NBC-HIS certifications are not required for renewal of an SLP or HAS license respectively.
- The Board has approved pursuing an NRS change to no longer require NBC-HIS certification for issuance of a standard HAS license.
- It is possible that an applicant for reinstatement may have allowed these certifications to lapse as they are not required to maintain a license. Requiring certification at reinstatement may pose a barrier/delay to licensure.

3. Estimated Impact

- a. Adverse and Beneficial Effects: Applicants for reinstatement will benefit from fewer application requirements which may expedite the reinstatement process and result in more qualified, licensed practitioners available to serve the public. No adverse effects have been identified.
- b. Positive or Negative Economic Impact: Licensees will see a positive economic impact through a faster license reinstatement process allowing them to resume practice. No negative economic impacts are noted.
- c. Cost Savings to the State or Agency: This revision will not result in cost savings to the State or Agency.

637B.0392(4) In-service training for apprentices: Contents and approval of academic training; maintenance of list of approved programs.

1. Citation with Proposed Modification

637B.0392 *In-service training for apprentices: Contents and approval of academic training; maintenance of list of approved programs.*

1. *The academic portion of the in-service training of an apprentice required by NAC 637B.0391 must be specific to the training and education necessary to perform competently the duties and responsibilities necessary for the practice of fitting and dispensing hearing aids and must include, without limitation, training and education concerning:*
 - (a) *Laws and rules relating to ethics;*
 - (b) *Federal laws and rules governing hearing aids;*
 - (c) *Infection controls;*
 - (d) *Basic hearing science;*
 - (e) *Hearing instrument science and fitting practices; and*
 - (f) *Audiometric testing and masking.*
2. *Except as otherwise provided in subsection 3, a customized program of academic training and a proposed curriculum must be submitted to the Board for evaluation and approval.*
3. *A program of academic training accepted by the National Board for Certification in Hearing Instrument Sciences, the International Hearing Society or an accredited institution of higher education that meets the minimum requirements of subsection 1 does not require the approval of the Board.*

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

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

2. Explanation for Proposed Change

Other more appropriate resources already exist to identify approved programs.

3. Estimated Impact

- a. Adverse and Beneficial Effects: The Board will benefit from time and resources saved by not tracking and maintaining a list of programs. No adverse effects have been identified.
- b. Positive or Negative Economic Impact: No economic impacts have been noted.
- c. Cost Savings to the State or Agency: This revision will result in cost savings to the Board through removal of the requirement to track and maintain a list of programs.

637B.700 Address for written communications and documents to Board.**1. Citation with Proposed Modification**

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

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

2. Explanation for Proposed Change

The Board and its staff cannot control how communications are addressed by others.

3. Estimated Impact

- a. Adverse and Beneficial Effects: The Board will benefit from release of responsibility for how communications are addressed to the Board. No adverse effects have been identified.
- b. Positive or Negative Economic Impact: The Board will no longer be required to respond to any alleged violation of this regulation. No negative economic impacts have been identified.
- c. Cost Savings to the State or Agency: This revision may result in cost savings to the Board by no longer being required to respond to any alleged violation of this regulation.

III. Regulations Reviewed with No Modifications Recommended

Citation		Notes/Comments
637B.001	<i>Definitions.</i>	None.
637B.0015	<i>“Applicant” defined.</i>	
637B.0025	<i>“Board” defined.</i>	
637B.003	<i>“Client” defined.</i>	
637B.0045	<i>“Licensee” defined.</i>	
637B.008	<i>“Standard license” defined.</i>	
637B.011	<i>Authority to use designation related to degree of doctor of audiology.</i>	
637B.033	<i>Creation; number of members; terms; reappointment.</i>	
637B.034	<i>Membership; qualifications; chair; duties; quorum; compensation.</i>	
637B.035	<i>Application: Payment of fee.</i>	This is an appropriate and necessary requirement to maintain uniformity and support licensing expenses The Board offers a user-friendly, secure, web-based application and renewal system that is integrated with the licensee database, and all payments are collected via online credit/debit payments. These tools enable the Board to reduce time and costs and ensure expediency in license and renewal processing.
637B.0355	<i>Application: Attachment of transcript and other proof of qualifications; provision of additional information.</i>	This is an appropriate and necessary requirement to ensure each application is supported by thorough documentation in order to ensure compliance with licensing rules and regulations. Transcript requirements may be waived for new graduates and Expedited License by Endorsement.
637B.036	<i>Expiration and renewal of standard or provisional license; combined application for renewal of license as audiologist and speech-language pathologist.</i>	None.
637B.0363	<i>Renewal of provisional license to engage in practice of fitting and dispensing hearing aids.</i>	
637B.0364	<i>Retroactive renewal of standard or provisional license.</i>	
637B.025	<i>Executive Director and staff: Appointment; duties; salary.</i>	
637B.0365 (2)(3)	<i>Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application.</i>	

637B.0368	<i>Conversion of standard license to inactive status; duty of holder of inactive license to obtain continuing education; renewal of inactive license; conversion of inactive license to active status.</i>	
637B.037	<i>Application for license expired 3 years or more.</i>	Prescribed by NRS 637B.191(2) which states “The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.”
637B.0374	<i>Temporary license to engage in practice of fitting and dispensing hearing aids issued to hearing aid specialist or dispensing audiologist: Requirement to take examination; renewal; expiration.</i>	This regulation allows an applicant to begin practice while completing the required examinations, which protects public health and safety by ensuring practitioners demonstrate competency in fitting and dispensing hearing aids.
637B.0375	<i>Alteration of license or license card prohibited.</i>	None.
637B.038	<i>Practice under any name under which licensee does not hold license prohibited; change of name; issuance of duplicate license.</i>	
637B.039	<i>Verification of license by Board upon request of licensee.</i>	
637B.0391	<i>In-service training for apprentices: General requirements; direct supervision; exemption from participation.</i>	Revised June 8, 2020 (LCB File R095-19) to allow an individual who wishes to reinstate an Apprentice license credit for up to two (2) years of in-service training completed during the initial license period
637B.0392 (1)(2)(3)	<i>In-service training for apprentices: Contents and approval of academic training; maintenance of list of approved programs.</i>	These requirements are in place to ensure practitioners are highly trained and competently prepared to fit and dispense hearing aids. Currently, 45 other states also offer an equivalent Apprentice license and most also dictate various requirements for training content, duration, and sponsorship requirements.
637B.0394	<i>In-service training for apprentices: Requirements for on-site training and work experience; core competencies; review and documentation of progress; report and proof of compliance.</i>	
637B.0396	<i>Qualifications to act as sponsor of apprentice; limitation on number of apprentices or sponsors.</i>	Revised June 8, 2020 (LCB File R095-19) to clarify existing regulation language to require that a sponsor and an apprentice shall have the same employer.

637B.0398	<i>Duties of sponsor; review of work; direct supervision not required for certain duties; prohibition on operating office or satellite office without approval of Board.</i>	This regulation ensures fidelity to the Apprentice training program, protecting public health and safety by ensuring practitioners are competently trained to fit and dispensing hearing aids. Most states that license equivalent trainees require some level of similar oversight. Board approval to operate an office is appropriate given an Apprentice's presumed lack of practice experience, coupled with potential conflict of interest issues should the Apprentice own the business and also employ their own Sponsor. Examples where state rules & regulations fully prohibit this practice include California, Louisiana, and New Jersey. Similar to Nevada, New York and Wyoming permit the practice under certain conditions.
637B.042	<i>Professional responsibility.</i>	None.
637B.044	<i>Responsibility to client.</i>	
637B.0446	<i>Case history and minimum procedures required for prospective candidate for hearing aid; exception.</i>	
637B.0448	<i>Duties of hearing aid specialist or dispensing audiologist concerning hearing aid he or she sells or fits.</i>	
637B.045	<i>Preparation and retention of health care records and other records.</i>	
637B.046	<i>Grounds for disciplinary action: Unprofessional conduct.</i>	
637B.048	<i>Grounds for disciplinary action: "Professional incompetence" interpreted.</i>	
637B.090	<i>Address for written communications and documents to Board. [Replaced in revision by NAC 637B.700.]</i>	
637B.380	<i>Petitions. [Replaced in revision by NAC 637B.710.]</i>	
637B.390	<i>Decision by Board. [Replaced in revision by NAC 637B.715.]</i>	
637B.400	<i>Requirements for renewal of standard or provisional license; records; audits; excess credits may not be carried forward.</i>	Revised June 13, 2022 (LCB File R064-21) to reduce, from 15 hours to 10 hours, the total number of hours of continuing education required for the renewal of a license. At least 1 of the 10 hours must 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 10 hours must relate directly to the practice of fitting and dispensing hearing aids.

<u>637B.403</u>	<i>Requirements for holder of standard or provisional license; exception for first renewal of license.</i>	None.
<u>637B.420</u>	<i>Acceptable activities, courses, seminars, workshops and similar functions; limitations on credit; written request for approval of other continuing education.</i>	
<u>637B.430</u>	<i>Waiver of requirements; additional time for completion if waiver not granted.</i>	
<u>637B.705</u>	<i>Board authorized to act on own motion; petition to request adoption, amendment or repeal of regulation or for formal hearing; contents and filing of petition.</i>	
<u>637B.710</u>	<i>Petition for declaratory order or advisory opinion: Submission.</i>	
<u>637B.715</u>	<i>Petition for declaratory order or advisory opinion: Meeting and decision by Board; service of denial and other correspondence.</i>	
<u>637B.720</u>	<i>Filing or initiation of complaint against licensee; contents; review; complaint filed against apprentice.</i>	
<u>637B.730</u>	<i>Conduct of hearing in contested case.</i>	
<u>637B.735</u>	<i>Recovery of attorney's fees and costs.</i>	
<u>637B.740</u>	<i>Fees and reimbursement for mileage for witnesses.</i>	

IV. Public Meeting Information

Meeting Date: April 26, 2023

Number of persons who attended: xx

Information for Each Person Who Provided Public Oral or Written Comment or Testimony on the Regulation:

Name of person:	
Entity/Organization Represented and Address:	
Contact Telephone Number:	
Electronic Mail Address:	
Summary of Oral or Written Comment or Testimony:	

Name of person:	
Entity/Organization Represented and Address:	
Contact Telephone Number:	
Electronic Mail Address:	
Summary of Oral or Written Comment or Testimony:	

Name of person:	
Entity/Organization Represented and Address:	
Contact Telephone Number:	
Electronic Mail Address:	
Summary of Oral or Written Comment or Testimony:	

Name of person:	
Entity/Organization Represented and Address:	
Contact Telephone Number:	
Electronic Mail Address:	
Summary of Oral or Written Comment or Testimony:	

Name of person:	
Entity/Organization Represented and Address:	
Contact Telephone Number:	
Electronic Mail Address:	
Summary of Oral or Written Comment or Testimony:	

[Rev. 5/25/2022 11:34:19 AM]

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

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

GENERAL PROVISIONS

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

SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD

- [637B.025](#) Executive Director and staff: Appointment; duties; salary.
- [637B.030](#) Schedule of fees.

ADVISORY COMMITTEE ON FITTING AND DISPENSING HEARING AIDS

- [637B.033](#) Creation; number of members; terms; reappointment.
- [637B.034](#) Membership; qualifications; chair; duties; quorum; compensation.

LICENSING; APPRENTICES

- [637B.035](#) Application: Payment of fee.
- [637B.0355](#) Application: Attachment of transcript and other proof of qualifications; provision of additional information.
- [637B.036](#) Expiration and renewal of standard or provisional license; combined application for renewal of license as audiologist and speech-language pathologist.
- [637B.0363](#) Renewal of provisional license to engage in practice of fitting and dispensing hearing aids.
- [637B.0364](#) Retroactive renewal of standard or provisional license.
- [637B.0365](#) Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application.
- [637B.0368](#) Conversion of standard license to inactive status; duty of holder of inactive license to obtain continuing education; renewal of inactive license; conversion of inactive license to active status.
- [637B.037](#) Application for license expired 3 years or more.
- [637B.0373](#) Examination for license to engage in practice of fitting and dispensing hearing aids: Contents; eligibility; passing score; authorization to retake upon payment of fee.
- [637B.0374](#) Temporary license to engage in practice of fitting and dispensing hearing aids issued to hearing aid specialist or dispensing audiologist: Requirement to take examination; renewal; expiration.
- [637B.0375](#) Alteration of license or license card prohibited.
- [637B.038](#) Practice under any name under which licensee does not hold license prohibited; change of name; issuance of duplicate license.
- [637B.0385](#) Information to be maintained with Board; notices provided to licensee by Board.
- [637B.039](#) Verification of license by Board upon request of licensee.

- [637B.0391](#) In-service training for apprentices: General requirements; direct supervision; exemption from participation.
- [637B.0392](#) In-service training for apprentices: Contents and approval of academic training; maintenance of list of approved programs.
- [637B.0394](#) In-service training for apprentices: Requirements for on-site training and work experience; core competencies; review and documentation of progress; report and proof of compliance.
- [637B.0396](#) Qualifications to act as sponsor of apprentice; limitation on number of apprentices or sponsors.
- [637B.0398](#) Duties of sponsor; review of work; direct supervision not required for certain duties; prohibition on operating office or satellite office without approval of Board.

PROFESSIONAL CONDUCT AND STANDARDS OF PRACTICE

- [637B.042](#) Professional responsibility.
- [637B.044](#) Responsibility to client.
- [637B.0442](#) Delegation of duties by hearing aid specialist or dispensing audiologist to unlicensed office assistant, aide or technician.
- [637B.0444](#) Requirements concerning waiver by client of medical evaluation.
- [637B.0446](#) Case history and minimum procedures required for prospective candidate for hearing aid; exception.
- [637B.0448](#) Duties of hearing aid specialist or dispensing audiologist concerning hearing aid he or she sells or fits.
- [637B.045](#) Preparation and retention of health care records and other records.
- [637B.046](#) Grounds for disciplinary action: Unprofessional conduct.
- [637B.048](#) Grounds for disciplinary action: "Professional incompetence" interpreted.
- [637B.090](#) Address for written communications and documents to Board. [Replaced in revision by [NAC 637B.700.](#)]
- [637B.380](#) Petitions. [Replaced in revision by [NAC 637B.710.](#)]
- [637B.390](#) Decision by Board. [Replaced in revision by [NAC 637B.715.](#)]

CONTINUING EDUCATION

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

PRACTICE BEFORE THE BOARD

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

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

NAC 637B.011 Authority to use designation related to degree of doctor of audiology. ([NRS 637B.150](#)) A person who has obtained a degree of doctor of audiology from an accredited college or university may refer to himself or herself as a "doctor of audiology" and use the corresponding initials "Au.D" or "Ph.D."

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

SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD

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

1. Appoint an Executive Director and employ such staff as it deems necessary to carry out its duties;
 2. Establish the duties of the Executive Director and the staff; and
 3. Fix the salaries of the Executive Director and the staff.
- (Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R034-13, eff. 3-28-2014)

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

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

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

ADVISORY COMMITTEE ON FITTING AND DISPENSING HEARING AIDS

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

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

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

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

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

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

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

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

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

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

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

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

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

5. A quorum of the Committee is three members, at least one of whom must be a member of the Board.

6. Each member of the Committee who is not a member of the Board serves without compensation.

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

LICENSING; APPRENTICES

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

1. Any person seeking licensure by the Board or seeking to renew, reinstate or change the type of a license issued by the Board must submit a completed application on a form provided by the Board.

2. Each application submitted pursuant to subsection 1 must be accompanied by payment of any fee prescribed by [NAC 637B.030](#).

(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004; A by R034-13, 3-28-2014; A by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R050-15, 4-4-2016)

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

1. An applicant who is required to provide the Board with:

(a) An official transcript from an educational program shall ensure that a sealed, official transcript is:

(1) Attached to his or her application; or

(2) Sent directly from the educational program to the Board.

(b) Proof satisfactory of his or her certification by the American Board of Audiology, the American Speech-Language-Hearing Association or the National Board for Certification in Hearing Instrument Sciences, or a successor organization, shall ensure that a copy of the certification is:

(1) Attached to his or her application; or

(2) Sent directly from the certifying organization to the Board.

(c) Proof of a license obtained in another state, territory or country shall provide such proof for any license presently held and any license held during the 5 years immediately

preceding the date of application.

2. If an applicant is required to pass an examination or complete continuing education for the issuance, renewal, reinstatement or to change the type of a license, the applicant must provide to the Board with his or her application proof that he or she has passed the examination or completed the continuing education, as applicable.

3. An applicant shall include with his or her application any additional information that the Board may require.

4. After an application is submitted to the Board, the Board may require an applicant to provide additional information or appear before the Board or one of its members for an oral interview before issuing, renewing, reinstating or converting the status of a license.

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

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

1. Each standard and provisional license issued by the Board, including, without limitation, each standard license that has been converted to inactive status, expires 1 year after the date on which the license was issued.

2. An application to renew a license will not be approved unless the application is submitted not later than 30 days after the date on which the license expired.

3. An application for renewal of a license as an audiologist and a license as a speech-language pathologist may be submitted on a single application.

4. An application for the renewal of a provisional license as a hearing aid specialist for a second time must include proof that the licensee has applied to take the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board.

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

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

1. Except as otherwise provided in subsection 2, the Board may renew a provisional license to engage in the practice of fitting and dispensing hearing aids, which has been issued to a person pursuant to [NRS 637B.201](#), if the person has not:

(a) Completed the training required for certification by the National Board for Certification in Hearing Instrument Sciences;

(b) Achieved a passing score on the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board; or

(c) Completed the training pursuant to paragraph (a) and achieved a passing score on the examination pursuant to paragraph (b).

2. The Board will not renew a provisional license which has been issued to a person who has:

(a) Completed the training required for certification by the National Board for Certification in Hearing Instruments Sciences; and

(b) Failed to apply to take the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board, at least 60 days before the expiration of the provisional license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A hearing aid specialist or dispensing audiologist must take the written portion and the practical portion of the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to NRS 637B.194 and NAC 637B.0373 within 6 months after the Board issues a temporary license to engage in the practice of fitting and dispensing hearing aids to the hearing aid specialist or dispensing audiologist pursuant to NRS 637B.200.

2. Except as otherwise provided in subsection 3, the Board will renew a temporary license to engage in the practice of fitting and dispensing hearing aids, which has been issued to a hearing aid specialist or dispensing audiologist pursuant to NRS 637B.200, for an additional 6 months if the hearing aid specialist or dispensing audiologist has:

(a) Taken the examination required pursuant to subsection 1; and

(b) Not achieved a passing score on the written portion or the practical portion of the examination.

3. If a hearing aid specialist or dispensing audiologist does not take the examination required pursuant to subsection 1 within the prescribed time, the temporary license expires and will not be renewed or reissued by the Board.

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

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

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

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

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

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

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

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

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

1. Each licensee shall:

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

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

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

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

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

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

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

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

1. Except as otherwise provided in subsection 3, the in-service training of a person who has been issued an apprentice license by the Board pursuant to [NRS 637B.195](#) must consist of:

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

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

2. An apprentice shall participate in the in-service training set forth in subsection 1 under the direct supervision of a sponsor for a minimum of 2 years and, in accordance with [NRS 637B.238](#), may not serve as an apprentice for more than 3 years without passing the examination set forth in [NAC 637B.0373](#).

3. An apprentice is not required to participate in the in-service training required by this section if the apprentice:

(a) Holds an associate's degree in hearing instrument sciences which is approved by the National Board for Certification in Hearing Instrument Sciences; or

(b) Successfully completes a program of education or training in hearing instrument sciences which is approved by the Board.

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

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

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

- (a) Laws and rules relating to ethics;
- (b) Federal laws and rules governing hearing aids;
- (c) Infection controls;
- (d) Basic hearing science;
- (e) Hearing instrument science and fitting practices; and
- (f) Audiometric testing and masking.

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

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

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

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

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

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

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

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

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

(a) Review the progress of the apprentice in achieving each core competency set forth in subsection 2; and

(b) Document the proficiency of the apprentice in each core competency, by signature and date, on a form provided by the Board.

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

(a) A report on the training of and core competencies achieved by an apprentice; and

(b) Proof of compliance with the supervisory responsibilities of the sponsor.

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

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

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

(a) Hold a standard license that is on active status;

(b) Have experience as a hearing aid specialist or dispensing audiologist for a minimum of 3 years; and

(c) Be in good standing with the Board and have no record of disciplinary action.

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

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

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

1. A sponsor of an apprentice shall:

(a) Except as otherwise provided in subsection 3, provide direct supervision to the apprentice;

(b) Determine the competency level of the apprentice to perform tasks relating to fitting and dispensing hearing aids;

(c) Evaluate the work of the apprentice;

(d) Document the training provided to and the direct supervision of the apprentice; and

(e) Provide written notification to the Board if:

(1) The apprentice is no longer under the sponsorship of the sponsor;

(2) The apprentice withdraws from or terminates his or her in-service training;

(3) The sponsor withdraws as a sponsor for the apprentice;

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

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

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

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

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

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

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

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

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

PROFESSIONAL CONDUCT AND STANDARDS OF PRACTICE

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

1. Shall not misrepresent, in advertising or otherwise, his or her education, training, type of license or certificate, qualifications, competence or service, or the results to be achieved if he or she provides service to a client.
2. Shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids while the licensee is impaired by:
 - (a) Alcohol, drugs or any other chemical; or
 - (b) A mental or physical condition that prevents him or her from safely engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.
3. Shall not use his or her relationship with a client to further his or her own personal, religious, political or business interests.
4. Shall set and maintain professional boundaries with clients, interns and persons with whom the licensee works.
5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally provided.
6. Except as otherwise provided in subsection 7, shall not disparage the qualifications of any colleague.
7. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of audiology, speech-language pathology or fitting and dispensing hearing aids that is occurring.
8. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his or her field of competence, the scope of the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or the scope of his or her license or certificate.
9. Shall base his or her practice upon the recognized knowledge relevant to audiology, speech-language pathology or fitting and dispensing hearing aids.
10. Shall critically examine and keep current with emerging knowledge relevant to the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.
11. Based upon recognized knowledge and standards for the practice of audiology, speech-language pathology or fitting and dispensing hearing aids, shall prepare and maintain in a timely manner a record for each of his or her clients which:
 - (a) Sets forth his or her assessment of the problems of the client, plan of action for the client, course of treatment to that client and progress notes regarding the course of treatment of the client; and
 - (b) Includes copies of other relevant documentation, including, without limitation:
 - (1) All documents relating to the informed consent given by the client;
 - (2) All documents relating to the release of information regarding the client; and
 - (3) All other legal documents regarding the client.
- ➡ As used in this subsection, "assessment" means an evaluation of the client that is based upon comprehensive information about the client.
12. Shall complete and submit any reports required by this chapter and [chapter 637B](#) of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.
13. Shall comply with the provisions of this chapter and [chapter 637B](#) of NRS and all other applicable federal laws and regulations.
14. Shall not authorize a person under the supervision of the licensee to perform services that are outside of the scope of the license, certificate, training or experience of the person

performing the services, or allow such a person to hold himself or herself out as having expertise in a field or activity in which that person is not qualified.

15. Shall notify the Board in writing within 10 days after:

(a) An action is taken against any license, certification, registration or other credential held by the licensee that was issued by another state or territory of the United States;

(b) A criminal charge is filed against the licensee;

(c) The licensee is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the licensee; or

(e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the licensee for any act relating to the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.

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

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

1. A licensee shall serve his or her clients with professional skill and competence.

2. If a licensee must act on behalf of a client who has been declared to be incompetent or if a client is otherwise found by the Board to be incapable of acting in his or her own best interest, the licensee shall safeguard the interests and rights of that client.

3. If another person has been legally authorized to act on behalf of an incompetent client, a licensee shall deal with the legal representative of the client in accordance with the best interest of the client.

4. A licensee shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, social, economic, health or marital status, political belief, diagnosis or physical disability, or on the basis of any preference or personal characteristic, condition or status of a person.

5. A licensee shall not misrepresent to a client the efficacy of his or her service or the results to be achieved.

6. A licensee shall apprise each of his or her clients of the risks, rights, opportunities and obligations, financial or otherwise, associated with the provision of services to the client for audiology, speech-language pathology or fitting and dispensing hearing aids.

7. A licensee shall seek the advice and counsel of his or her colleagues and supervisors when such a consultation is in the best interest of the client.

8. A licensee shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs of the client.

9. A licensee shall not withdraw his or her services precipitously, except under unusual circumstances and after giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects to the client.

10. A licensee who anticipates the termination or interruption of service to a client shall notify the client as promptly as possible and seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.

11. A licensee shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his or her deriving benefits of an unprofessional nature from the client during the time that the client is receiving professional services from the licensee and for 2 years after the termination of those services.

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

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

1. Except as otherwise provided in subsection 2, a hearing aid specialist or dispensing audiologist may delegate certain duties to an office assistant, aide or technician who is not licensed pursuant to this chapter and [chapter 637B](#) of NRS and does not possess the professional or advanced training required for the practice of fitting and dispensing hearing aids if the hearing aid specialist or dispensing audiologist determines, before delegating a duty, that the office assistant, aide or technician possesses the necessary knowledge, competence, training and skills to perform the duty. The duties that may be delegated to an office assistant, aide or technician pursuant to this section include, without limitation:

- (a) Cleaning a hearing aid;
- (b) Repairing or replacing a broken part of a hearing aid with the same part;
- (c) Replacing a thin tube or dome with a similar size or style;
- (d) Replacing filters;
- (e) Returning to a client a repaired hearing aid that does not require fitting, programming or adjusting;
- (f) Accepting an in-office return of a hearing aid if a receipt is provided to the client to document proof of the return; and

(g) Performing clerical, secretarial and general administrative duties, including, without limitation, providing information that is readily available to the general public.

2. A hearing aid specialist or dispensing audiologist shall not delegate any duty to an office assistant, aide or technician pursuant to this section that requires professional or advanced training for the practice of fitting and dispensing hearing aids. Duties that may not be delegated pursuant to this section include, without limitation:

- (a) Removing a hearing aid from or placing a hearing aid into a client's ear;
- (b) Programming, adjusting or fitting a hearing aid;
- (c) Conducting an interview, examination or evaluation relating to a client's hearing or hearing loss; and
- (d) Conducting any activity involving direct physical contact with a client and a hearing-related procedure or instrument.

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

NAC 637B.0444 Requirements concerning waiver by client of medical evaluation. (NRS 637B.132) If a hearing aid specialist or dispensing audiologist offers a client a waiver of the medical evaluation required by 21 C.F.R. § 801.421, the hearing aid specialist or dispensing audiologist shall:

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

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

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

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

- (a) Pure-tone audiometry, including air-conduction testing and bone-conduction testing through an annually calibrated system.
- (b) Live voice audiometry, only if a separate sound-treated room is available, or recorded voice audiometry, including speech-reception threshold testing, most comfortable and

uncomfortable level testing, and speech discrimination testing presented through a speech audiometer.

(c) When applicable, effective masking.

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

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

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

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

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

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

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

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

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

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

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

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

(e) Any accessories provided with the hearing aid;

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

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

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

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

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

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

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

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

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

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

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

- (a) The name, address, telephone number and date of birth of the client;
 - (b) The medical history of the client as it relates to his or her loss of hearing;
 - (c) The dates on which the hearing aid was delivered, fitted and adjusted, and notations of all procedures performed on such dates, and, if applicable, the date of return or attempted return of the hearing aid;
 - (d) Audiograms of the client;
 - (e) The specifications of the hearing aid, including the serial number of the hearing aid as indicated by the manufacturer of the hearing aid;
 - (f) The settings for the hearing aid;
 - (g) The progress and disposition of the case;
 - (h) A copy of the contract for the sale of the hearing aid; and
 - (i) A copy of any waiver of the medical evaluation required by 21 C.F.R. § 801.421.
- (Added to NAC by Speech-Language Pathology, Audiology & Hearing Aid Dispensing Bd. by R129-15, eff. 6-28-2016)

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

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

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

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

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

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

(a) Engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids when unable to do so with reasonable skill and safety to a client because of the use of alcohol or any controlled substance or any mental or physical condition or illness.

(b) Committing negligence in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.

(c) Allowing another person to use the license issued to the licensee.

(d) Failing to report or otherwise concealing information relating to a violation of this chapter or [chapter 637B](#) of NRS that could result in harm to the public health and welfare.

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

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

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

2. As used in this section:

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

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

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

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

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

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

CONTINUING EDUCATION

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Attendance at a course or program conducted by a university, school district, hospital or similar entity.

(b) Attendance at a workshop, seminar, demonstration, meeting or lecture.

(c) Making a presentation at a workshop, seminar or similar function. Credit is allowed for time spent on both preparation and presentation. The greatest number of hours allowed for presentation is 8 hours during any one licensing period. Credit claimed for preparation may not exceed 50 percent of the number of hours credited for presentation.

(d) Publication of material in a professional journal or equivalent periodical or work. The Board will determine the number of hours allowed for credit under this paragraph, but the greatest number of hours allowed is 8 hours during any one licensing period.

(e) Participation in a planned observation or visit which is part of a clinical program if prior written approval for the activity is obtained from the Board.

(f) Completion of an Internet course.

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

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

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

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

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

(a) Submits a written request for a waiver; and

(b) Provides proof satisfactory to the Board of an extenuating circumstance that does not allow the completion of the required continuing education.

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

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

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

(a) Extreme illness or injury;

(b) Extreme financial or familial hardship; or

(c) Military service.

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

PRACTICE BEFORE THE BOARD

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

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

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

of petition. (NRS 637B.132)

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

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

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

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

5. The petition must contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Any person who believes that another person licensed by the Board has violated a provision of this chapter or [chapter 637B](#) of NRS may file a complaint with the Board on a form provided by the Board.

2. The Board may, on its own, initiate a complaint against a person licensed by the Board.

3. A complaint must, without limitation:

(a) Identify one or more grounds for disciplinary action; and

(b) Contain a statement of facts in sufficient detail to enable the Board to understand the allegations.

4. The Executive Director of the Board, in consultation with legal counsel, shall review each complaint and decide if the complaint merits an investigation.

5. The Executive Director of the Board shall bring before the Board any complaint found to have merit.

6. For any proceedings regarding a complaint filed against an apprentice, the Board may require that the apprentice be accompanied by any hearing aid specialist or dispensing audiologist who signed, dated or reviewed a record regarding a patient related to the complaint.

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

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

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

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

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

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

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

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

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

SECRETARY OF STATE
FILING DATA

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**Form for Filing
Administrative Regulations**

LCB File No. R095-19

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:

Provide clarity for the public, individuals and licensees regarding requirements on the following:

- Clarifies existing regulation language regarding the exemption from licensure by defining "practice within scope of credential" issued by the Department of Education;
- Establishes parameters in existing regulation language on issuing citations to cease and desist and assessing administrative fines for violation of law for practicing without a valid license or endorsement, as well as a waiver of an administrative fine for "good cause";
- Grants the Board authority to consider requiring applicants take and pass a Jurisprudence Examination as a condition for initial license or reinstatement of an expired license;
- Allows an individual who wishes to reinstate and Apprentice license credit for up to two (2) years of in-service training completed during the initial license period;
- Clarifies existing regulation language to require that a sponsor and an apprentice shall have the same employer.

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 23, 2020

Date of Adoption by Agency: April 22, 2020

Hearing date: April 22, 2020

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

LCB File No. R095-19

Filed June 8, 2020

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

AUTHORITY: §§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.

A REGULATION relating to professions; defining the authorized scope of practice for audiologists and speech-language pathologists holding certain credentials; establishing provisions governing penalties for the unlicensed practice of audiology, speech-language pathology and fitting and dispensing hearing aids; authorizing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to require applicants to submit proof of passing an examination regarding certain laws relevant to the practice area of an applicant; revising provisions governing the in-service training of apprentices in the practice of fitting and dispensing hearing aids; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts a person who holds a credential issued by the Department of Education and who engages in the practice of audiology or speech-language pathology within the scope of that credential from the provisions of chapter 637B of NRS which govern the practice of audiology and speech-language pathology in this State. (NRS 637B.080) **Section 2** of this regulation establishes the circumstances under which a person qualifies for this exemption.

Existing law authorizes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to impose certain penalties against a person who engages in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without a license, including the issuance of an order to cease and desist, the issuance of a citation and the imposition of an administrative fine. (NRS 637B.290) **Section 3** of this regulation provides that the Board will issue an order to cease and desist and a citation to a person who has engaged in

the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the applicable license. **Section 3** also establishes requirements for the imposition of administrative fines for unauthorized practice and authorizes the Board, under certain circumstances, to waive an administrative fine that has been imposed.

Existing law requires an applicant for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids to pass an examination prescribed by the Board by regulation. (NRS 637B.160, 637B.191, 637B.194) **Section 4** of this regulation authorizes the Board to require an applicant to submit proof that he or she has passed an examination that tests the familiarity of an applicant with the laws and regulations relevant to the practice area for which the applicant is applying. **Section 5** of this regulation prohibits a person who has failed to achieve a passing score on an examination concerning the practice of fitting and dispensing hearing aids to retake the examination sooner than 30 days after the date of the previous examination.

Existing regulations require a person who has been issued an apprentice license by the Board to participate in certain in-service training for a minimum of 2 years. (NAC 637B.0391) **Section 6** of this regulation authorizes a person whose apprentice license has expired but has been reinstated to receive credit for up to 2 years of in-service training from his or her initial license period.

Existing regulations establish the eligibility criteria for a hearing aid specialist or dispensing audiologist to act as the sponsor of an apprentice. (NAC 637B.0396) **Section 7** of this regulation requires a sponsor of an apprentice to have the same employer as the apprentice during the term of the on-site training period.

Section 1. Chapter 637B of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *Except as otherwise provided in subsection 2, for the purposes of subsection 1 of NRS 637B.080, the provisions of chapter 637B of NRS do not apply to a person who holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto who engages in the practice of audiology or speech-language pathology, as applicable, within the scope of that credential if the person:*

(a) Holds an active teacher's license issued pursuant to chapter 391 of NRS and an endorsement to teach pupils who have hearing impairments or to teach pupils who have speech and language impairments;

(b) Is employed by a public educational institution; and

(c) Does not engage in the practice of audiology or speech-language pathology as an independent contractor or provide services in the private practice of audiology or speech-language pathology.

2. If a person who holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto also holds a valid license to engage in the practice of audiology or the practice of speech-language pathology pursuant to the provisions of chapter 637B of NRS and any regulations adopted pursuant thereto, such a person is subject to the provisions of chapter 637B of NRS and any regulations adopted pursuant thereto to the extent that he or she engages in the practice of audiology or speech-language pathology as an independent contractor or provides services in the private practice of audiology or speech-language pathology.

Sec. 3. 1. If a person has engaged or is engaging in the practice of audiology, the practice of speech-language pathology or the practice of fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of chapter 637B of NRS, the Board will issue and serve on the person a citation that contains an order for the person to cease and desist as authorized by NRS 637B.290.

2. A citation issued pursuant to subsection 1 may include the assessment of an administrative fine against the person to whom the citation is issued. If an administrative fine is assessed against a person to whom a citation is issued, such an administrative fine must be:

(a) If unauthorized practice occurred over a period of 30 days or less, not less than \$50 or more than \$200.

(b) If the unauthorized practice occurred over a period of more than 30 days, not less than \$200 or more than \$5,000.

3. A person to whom a citation is issued pursuant to subsection 1 may appeal the citation by submitting a written request for a hearing to the Board. The written request for a hearing must be submitted to the Board not later than 30 days after the date on which the citation was issued. Upon receipt of a written request for a hearing, the Board will conduct a hearing on the citation. At the conclusion of the hearing, the Board may waive any administrative fine assessed against the person to whom the citation was issued if:

(a) The administrative fine was assessed for a first offense;

(b) The unauthorized practice for which the administrative fine was assessed occurred due to a failure by the person to renew his or her license in a timely manner pursuant to NAC 637B.036 and the license was reinstated not later than 60 days after the date on which the license expired; or

(c) The Board determines that good cause exists. As used in this paragraph, "good cause" includes, without limitation, circumstances under which a person suffers from an illness, injury or disability, experiences a family hardship or is subject to other circumstances beyond the person's control as may be determined by the Board.

4. If a person against whom a citation has been issued pursuant to subsection 1 submits a written request for a hearing to the Board and the written request seeks a waiver of any administrative fine assessed against the person, the person who submits such a written request must include with the request proof necessary to demonstrate the existence of one or more of the circumstances justifying the waiver of the administrative fine as set forth in subsection 3.

Sec. 4. *The Board may require an applicant for any category of license issued by the Board to submit with his or her application for licensure proof that the applicant has passed an examination that tests the familiarity of the applicant with the provisions of this chapter and chapter 637B of NRS and all other federal laws and regulations relevant to the practice area for which the applicant is applying.*

Sec. 5. NAC 637B.0373 is hereby amended to read as follows:

637B.0373 1. The examination prescribed by the Board pursuant to NRS 637B.194 must consist of a written portion and a practical portion. The examination may also include a portion that tests the familiarity of an applicant with the provisions of this chapter and chapter 637B of NRS and all other federal laws and regulations relevant to the practice of fitting and dispensing hearing aids in this State.

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

- (a) File a completed application with the Executive Director of the Board; and
- (b) Pay the examination fee prescribed by NAC 637B.030.

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

4. If an applicant does not achieve a passing score on the examination set forth in subsection 1, as established by the Board pursuant to subsection 3, he or she may retake the examination *not*

sooner than 30 days after the date of the previous examination upon payment of the examination fee prescribed by NAC 637B.030.

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

Sec. 6. NAC 637B.0391 is hereby amended to read as follows:

637B.0391 1. Except as otherwise provided in subsection 3, the in-service training of a person who has been issued an apprentice license by the Board pursuant to NRS 637B.195 must consist of:

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

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

2. An apprentice shall participate in the in-service training set forth in subsection 1 under the direct supervision of a sponsor for a minimum of 2 years and, in accordance with NRS 637B.238, may not serve as an apprentice for more than 3 years without passing the examination set forth in NAC 637B.0373.

3. An apprentice is not required to participate in the in-service training required by this section if the apprentice:

(a) Holds an associate's degree in hearing instrument sciences which is approved by the National Board for Certification in Hearing Instrument Sciences; or

(b) Successfully completes a program of education or training in hearing instrument sciences which is approved by the Board.

4. If approved by the Board, an apprentice whose license as an apprentice expired but is reinstated may receive credit for not more than 2 years of in-service training completed during the initial license period.

Sec. 7. NAC 637B.0396 is hereby amended to read as follows:

637B.0396 1. To be eligible to act as a sponsor of an apprentice, a hearing aid specialist or dispensing audiologist must:

(a) Hold a standard license that is on active status;

(b) Have experience as a hearing aid specialist or dispensing audiologist for a minimum of 3 years; ~~and~~

(c) *Be employed by the same employer as the apprentice during the term of the on-site training and work experience portion of the in-service training of the apprentice; and*

(d) Be in good standing with the Board and have no record of disciplinary action.

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

SECRETARY OF STATE
FILING DATA

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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 ~~H~~, *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.



State of Nevada

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

AGENDA ITEM 5

Review and Recommendation to the Board on Revisions to *NRS 637B.050 “Practice of audiology”* defined to Include Reference to Required Endorsement for Fitting and Dispensing Hearing Aids

[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*”. 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.

At its January 18, 2023 meeting the Committee recommended a revision to NRS 637B.050 that clarifies/cites the dispensing endorsement requirement in NRS 637B.205. Drafted language is included below for review and recommendation to the Board:

[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, **only when holding the dispensing endorsement required pursuant to [NRS 637B.205](#)**;
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.

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 6

Review and Recommendations on Investigations of Complaints Related to Fitting and Dispensing Hearing Aids Pursuant to NAC 637B.034

NAC 637B.034 establishes the Advisory Committee on Fitting and Dispensing Hearing Aids with a provision that the Committee *"shall make recommendations to the Board on all matters relating to the fitting and dispensing of hearing aids, including, without limitation: (d) Investigations of complaints relating to the fitting and dispensing of hearing aids."*

Three (3) cases will be presented during this meeting with a request that the Committee make one of the following recommendations to the Board:

1. Recommend **DISMISSAL** due to insufficient evidence to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code; OR
2. Recommend **FILING A FORMAL COMPLAINT** to proceed with a Public Hearing where the Board may make a finding of fact and impose disciplinary action as deemed appropriate; OR
3. Recommend **FURTHER INVESTIGATION** with recommendations for specific information, documents, or witnesses to be considered.

Per NRS 637B.288 complaint investigations records (with some exceptions) remain confidential. As such, these cases will be presented verbally during the meeting without any identifying names or case numbers.

Note Regarding Recusal & Abstention Due to Conflict of Interest

A Committee Member who identifies a potential conflict of interest on a case, whether through prior knowledge of the investigation, a past/present personal or professional relationship with the licensee, or some other reason for which they feel they could not be impartial, should consult with Board Counsel and consider recusing themselves from this review.

The Committee Member may still be present in the meeting, as their presence contributes to the quorum requirement but can then recuse (withdraw) themselves from the discussion and deliberation and abstain (decline to vote) on recommendations.

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 7

Update on IHS Practical Exam Revisions and Fees

IHS has reported that the practical exam has been revised and will be released in the near future. Additionally, it is expected that there will be an increase in the cost of the exam booklets.

- Most entities currently pay \$100.00 per exam, while our Board has benefited from a negotiated rate of \$50.00 per exam booklet. IHS reports that the new rate may be set at \$200.00 per booklet. Board staff are scheduled to meet with IHS on April 11, 2023 and will provide a verbal update at the Committee's meeting.
- Any rate increase poses a negative fiscal impact for the Board. The current rate of \$200.00 covers \$50.00 for the exam booklet, \$100.00 paid to the exam proctor, and nets the Board \$50 to cover staff & scheduling costs.
- The Board's [NRS 637B.175](#) sets a fee cap of \$300.00 for the examination, and the current fee of \$200.00 is established in [NAC 637B.030](#). Notably, this is the only fee that is not already at the maximum cap limit.

Per the Governor's Executive Order 2003-003, no action may be taken on new regulations at this time, so no recommendation may be considered to revise the current fee in NAC 637B.030.

ACTION: None – informational only.

ATTACHMENT(S): None.



State of Nevada

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

AGENDA ITEM 8

Reports from Committee Chair and Members

- a. Service Recognition for Michael Hodes, Committee Chair (Term Expires 7/1/2023)
- b. Report from Committee Chair and Board Members
- c. Next Meeting: **Tentative/Hold for June 21, 2023 as needed.**
- d. Future Agenda Items
 - 1) Election of new Committee Chair from its appointed Board members.

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

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.



State of Nevada

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

AGENDA ITEM 10

Adjournment

ACTION: Meeting adjourned.

ATTACHMENT(S): None.