



State of Nevada

Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

## NOTICE OF PUBLIC MEETING

**Wednesday, April 26, 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/89659738919?pwd=d1AyUkZyZHdDLzBMR2F4K0xQTUNyZz09>

**AUDIO ONLY BY TELEPHONE:** (669) 900-6833

**Meeting ID:** 896 5973 8919 **Passcode:** 719330

If you are outside the United States or need **toll-free audio access**, please contact the Board office at [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org) or (775) 787-3421 to request a toll-free number no later than 3:00pm Pacific on the day of the meeting.

## AGENDA

The **STATE OF 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 Board 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: Board Meeting of January 25, 2023 *(for possible action)*

### 4. Disciplinary Matters: License Reinstatement Application: Kjirsten Broughton, SLP License #SP-2624, Expired June 25, 2021 *(for possible action)*

### 5. Public Hearing to Solicit Feedback on Regulations in NAC Chapter 637B per Governor's Executive Order 2023-003 *(informational only)*

6. **Report Out and Consideration of Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of April 12, 2023** *(for possible action)*
  - a. Review and Feedback on Regulation Review and Proposal for Revision/Modification and Draft Report for Executive Order 2003-003 *(for possible action)*
  - b. 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)*
  - c. Update on IHS Practical Exam Revision and Fees *(for possible action)*
7. **Review and Approval of Reports Due to Governor's Office on Executive Orders 2003-003 and 2003-004 with Inclusion of Feedback from Public Hearing** *(for possible action)*
  - a. 2023-003 Executive Order Report Review and Approval with Discussion and Inclusion of Stakeholder Feedback from Public Hearing and Recommendations from Advisory Committee on Fitting and Dispensing Hearing Aids *(for possible action)*
  - b. Review and Approval of Regulations to Request Exemption from Executive Order 2003-003 *(for possible action)*
  - c. Review of Report on Executive Order 2023-004 Submitted March 28, 2023 per Board Delegation to Board Chair and Executive Director *(for possible action)*
8. **Update on 2023 Legislative Session and Consideration for Board Position(s) and/or Delegation of Authority to Represent Board on Legislation as Necessary** *(for possible action)*
9. **Work Session on Future Legislative (NRS) Efforts** *(Standing Agenda Item):*
  - a. Add Licensing of Speech-Language Pathology Assistants *(for possible action)*
  - b. Add Licensing of Audiology Assistants *(for possible action)*
  - c. Add/allow Cerumen Management by HAS to Scope of Practice *(for possible action)*
  - d. Remove NBC-HIS Certification Requirement for Standard HAS License *(for possible action)*
  - e. Address/Allow Telesupervision by AUD/SLP *(for possible action)*
10. **New Board Policy 08 - Language Access Plan: Review, Public Comment, and Proposed Approval in Accordance with NRS 232.0081** *(for possible action)*
11. **Executive Director's Report**
  - a. Licensure Statistics *(for possible action)*
  - b. FY23 Q3 Financial Report *(for possible action)*
  - c. Board Member Appointments/Reappointments *(for possible action)*
  - d. Complaints *(for possible action)*
12. **Review and Approval of Draft FY24 Budget and Approval to Solicit and Develop Service Contracts for Financial Audit Services and Dispensing Examinations** *(for possible action)*
13. **Report from Legal Counsel and Training/Overview on Disciplinary Hearing Process** *(informational only)*
14. **Reports from Board Chair and Members**
  - a. Recognition of Board Service: Tami Brancamp, SLP and Michael Hodes, AuD *(for possible action)*
  - b. Report from Board Chair and Board Members *(for possible action)*
  - c. 2023 Proposed Meeting Schedule: Next meeting proposed: Wednesday, July 26, 2023 at 4:30pm. Teleconference hosted via Zoom and in-person both in Reno (Board Office) and Las Vegas (Desert Valley Audiology). *(for possible action)*

d. Future Agenda Items *(for possible action)*

- 1) Work Session: Continued work on Future Legislative Efforts (Standing Agenda Item):
  - (a) Licensing Speech-Language Pathology Assistants *(for possible action)*
  - (b) Licensing Audiology Assistants *(for possible action)*
  - (c) Address Cerumen Management Practice by HAS *(for possible action)*
  - (d) Removal of NBC-HIS Certification for Standard HAS License *(for possible action)*
  - (e) Telesupervision by AUD & SLP *(for possible action)*
- 2) Response to Governor's Executive Orders *(for possible action)*
- 3) Review of 2023 Legislative Session *(for possible action)*
- 4) Election of Board Chair & Vice Chair, and Bank Signatories/Financial Reviewer Appointments *(for possible action)*
- 5) Other Items As Proposed *(for possible action)*

**15. 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)*

**16. Adjournment *(for possible action)***

*Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. A public comment time will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda. At the discretion of the President, additional public comment may be heard when that item is reached. The Board Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. (NRS 241.020, NRS 241.030)*

*Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. (NRS 233B.126)*

*Persons with disabilities who require special accommodations or assistance at the meeting should contact the Board office at (775) 787-3421 or email at [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org) no later than 48 hours prior to the meeting. Requests for special accommodations made after this time frame cannot be guaranteed.*

**THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:**

**Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board**  
6170 Mae Anne Avenue, Suite 1  
Reno, Nevada 89523

**Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board Website**  
[www.nvspeechhearing.org](http://www.nvspeechhearing.org)

**State of Nevada Public Notice Website**  
[www.notice.nv.gov](http://www.notice.nv.gov)

This agenda has been sent to all members of the Board 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 R. Pierce, Executive Director by phone at (775) 787-3421 or email at

[board@nvspeechhearing.org](mailto:board@nvspeechhearing.org). Anyone desiring additional information regarding the meeting is invited to call the Board office at (775) 787-3421.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 1

### Call to Order, Confirmation of Quorum

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Call to Order, Confirmation of Quorum.

**ACTION:** Meeting called to order.

**ATTACHMENT(S):** None.





State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 2

### Public Comment

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

**ACTION:** None – INFORMATIONAL ONLY

**ATTACHMENT(S):** None.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 3

### Approval of the Minutes: Board Meeting of January 25, 2023

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The minutes of the Board Meeting of October 19, 2022 are presented for approval.

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

**ATTACHMENT(S):**

1. *2023 1 25 Minutes Not Yet Approved*



State of Nevada

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

### MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

January 25, 2023

<b>Members Present:</b>	Tami Brancamp, Andrea Menicucci, Lynee Anderson, Minnie Foxx, Michael Hodes, Timothy Hunsaker, Adrienne Williams
<b>Members Absent:</b>	None
<b>Staff Present:</b>	Jennifer Pierce, Executive Director Stacey Whittaker, Licensing Coordinator Henna Rasul, Sr. Deputy Attorney General, Board Counsel
<b>Public Present:</b>	Jeanette Belz, Hana Fahmi, Laura Fink, Melissa Fleischmann, Mindy Johnson, Nancy Kuhles, Jaclyn Owens, Kim Reddig.

#### Call to Order, Confirmation of Quorum

Tami Brancamp called the meeting to order at 4:31pm. A roll call confirmed a quorum was present.

#### Public Comment

There was no public comment.

#### Approval of the Minutes: Board Meeting of October 19, 2022

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of October 19, 2022 and none were noted. Dr. Brancamp asked for a motion. Andrea Menicucci made a motion to approve the minutes of October 19, 2022 as written, and Adrienne Williams seconded the motion. The motion passed.

#### Disciplinary Matters: License Reinstatement Application: Jaclyn Owens (formerly Jaclyn Tourin), SLP License #SP-2624, Expired August 22, 2021

Ms. Pierce summarized the reinstatement application before the Board as a result of Ms. Owens' practice without a license between August 2021 and October 2022. Ms. Owens was employed by the Washoe County School District and held the required DOE credential (for which she would not require a Board license) but disclosed that she had also engaged in the private practice of Speech-Language Pathology during the 14 months since her license expired. Ms. Owens was asked where she engaged in the private practice and reported that she engaged in contract work for Nevada Speech and Therapy Group between June 2021 and September 2022. She clarified that this was not a full-time position, and she frequently worked on a per diem basis. She explained that the lapse in her license was an oversight, and she did not receive reminder emails as she was no longer accessing the address they were sent to. She further explained that during this time she was studying for the PRAXIS Exam and was not focused on her state license. When asked why she finally submitted the reinstatement application, she stated she was notified by the school district supervisor that it had expired and thus did not activate her salary bonus. Ms. Owens was asked if she had notified her former employer of the license lapse and she admitted she has not done so to date. There was discussion around this and the potential ramifications for herself and the employer,

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

with a recommendation that she should do so. A question was raised as to whether she should also notify Medicaid, and consensus was that doing so would be the employer's responsibility. There was additional discussion around the circumstances leading to the lapse and potential fine amounts based on past cases.

Dr. Brancamp asked for a motion. Michael Hodes made a motion to impose an administrative fine of \$300.00 and approve reinstatement of the license on the following condition: the reinstatement may be approved once Ms. Owens provides proof to the Board that she has contacted her former employer to inform them of her unlicensed practice and related unlicensed billing activity. Andrea Menicucci seconded the motion. The motion passed unanimously.

## **Response to Governor's Executive Orders and Update on 2023 Legislative Session**

### **a. Governor's Executive Orders**

Ms. Pierce summarized the three executive orders issued since January 1, 2023 by Governor Lombardo that impact Boards and Commissions and include multiple deliverables as follows:

- Executive Order 2023-002: Directs the Department of Administration to review and make recommendations with respect to hiring, retention and promotional rules and procedures related to State employment and to work with executive branch agencies to transition the State workforce to pre-pandemic, normal and customary office conditions (due July 1, 2023).
- Executive Order 2023-003: Suspends proposal, approval, or action on any new regulations (with allowable exceptions) by any executive branch agency, department, board or commission until such time as the Order is rescinded. Requires comprehensive review of current regulations with feedback from a public hearing, and submission of a report to the Governor that includes ten regulations recommended for removal (due May 1, 2023).
- Executive Order 2023-004: Suspends creation of new regulations that limit entry to occupations and requires a report/recommendation on current restrictive requirements (due April 1, 2023), and a second report detailing proposals to phase out unnecessary requirements and implement reciprocity options (due July 1, 2023).

Ms. Pierce shared a proposed work plan for completing the required reports, suggesting the following:

- April 1, 2023 Report: The Board is not scheduled to meet again until April 2023 but may choose to either hold an interim meeting to review/approve this report or delegate authority to the Board Chair and Executive Director to complete this task.
- May 1, 2023 Report: The Executive Director proposes drafting this report for review and approval at the April 2023 Board Meeting which will also include the required public hearing.
- July 1, 2023 Report: The Executive Director proposes drafting this report for review and approval at the April 2023 Board Meeting.

Tami Brancamp called for discussion and consensus was to follow the proposed workplan and delegate responsibility for the April 1, 2023 report as described. Dr. Brancamp called for a motion. Andrea Menicucci made a motion to delegate responsibility for drafting, approving, and submitting the April 1, 2023 report to the Board Chair and Executive Director. Michael Hodes seconded the motion. The motion passed.

### **b. 2023 Legislative Session Update**

Ms. Pierce summarized that the 82nd (2023) Legislative Session will begin on Monday, February 6, 2023. To date, 17 Bill Draft Requests (BDRs) have been filed which appear to include content that is directly or indirectly relevant to our Board and/or licensees, however of the 147 Bills introduced to date, only one, related to the Open Meeting Law, appears relevant. The Executive Director will

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monitor legislative activities and provide updates to the Board throughout the session. No action was taken.

**Report Out and Consideration of Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of January 18, 2023**

Tami Brancamp asked Michael Hodes, Committee Chair to summarize, who shared the following:

**a. Consideration for Recommendation to the Board on Proposed Revision to NAC 637B.0442**

Dr. Hodes summarized that language was revised and drafted for approval in advance of the January 2023 meeting to review and recommend regulation revisions in lieu of licensing Assistants, however the matter was not discussed and instead tabled per the Governor's Executive Orders 2023-003 and 2023-004.

**b. 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.**

Dr. Hodes explained that an overlap was identified between the two sections of NRS that define the "practice of Audiology" and "practice of fitting and dispensing hearing aids", as fitting and dispensing activities are currently included in the "practice of audiology" despite not being allowed without the required endorsement. The Committee voted unanimously to recommend the Board consider a revision to NRS 637B.050 that clarifies/cites the dispensing endorsement requirement in NRS 637B.205.

Tami Brancamp made a motion to approve drafting a revision to NRS 637B.050 to clarify the practice of audiology and the required dispensing endorsement. Michael Hodes seconded the motion. The motion passed unanimously.

**c. 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**

Dr. Hodes summarized that one section of NRS (637B.242), and two sections of NAC (637B.0444 and 637B.045) remain in effect following the Final Rule, but only apply to the sale of hearing aids by catalog, mail, or Internet. These were presented to the Committee and there was no discussion of proposed NAC revisions per the Governor's Executive Orders 2023-003 and 2023-004. Regarding NRS 637B.242, the Committee voted to affirm the law as is with no changes recommended to the Board. No action was taken by the Board.

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

Dr. Hodes shared that IHS will be rolling out revisions to the Dispensing Practical Examination in the near future, which may increase costs for the Board in purchasing exam booklets. Staff have not been contacted by IHS to discuss this and updates will be provided at future meetings as more information is available. There was no discussion of proposed NAC revision per the Governor's Executive Orders 2023-003 and 2023-004 and no action was taken.

**Work Session on Future Legislative Efforts (Standing Agenda Item):**

**a. Consideration to Revise NRS 637B to Add Licensing of Speech-Language Pathology Assistants (SLPA)**

Ms. Pierce reported that the NDE revisions to NAC 391.370 to "sunset" bachelor's level SLP staff were not taken before the Legislative Commission in December as anticipated and instead are on hold per the

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Governor's Executive Orders. Ms. Pierce has received word from NDE that it would be open to partnering with the Board on SLP Assistant work in the future as appropriate. No action was taken, and the matter will remain a standing agenda item.

**b. Work Session on Future Legislative Efforts to Consider Licensing Audiology Assistants (AuDA)**

Ms. Pierce referred back to the prior agenda item wherein the Advisory Committee was previously considering recommended NAC revisions in lieu of licensing Audiology Assistants, which has now been tabled per the Governor's Executive Orders. No action was taken, and the matter will remain a standing agenda item.

**c. Consideration to Revise NRS 637B to Address Telehealth and Telesupervision**

Ms. Pierce reported no new information on this item and reiterated that this matter may be relevant if the Board pursues SLPA licensing in the future. No action was taken, and the matter will remain a standing agenda item.

**d. Consideration to Revise NRS 637B to Remove NBC-HIS Certification Requirement for HAS License**

Ms. Pierce reported no updates on this item, as drafted language is approved and ready for inclusion in a future BDR. No action was taken, and the matter will remain a standing agenda item.

**Recommendation to Table Work on Board Jurisprudence Exam Per Governor's Executive Orders**

This matter was discussed at the Board's October 2022 meeting with consideration to make the examination mandatory, however at that time a revision to NAC 637B was recommended to clarify the Board's authority. The Board formally tabled this matter per the Governor's Executive Orders 2023-003 and 2023-004.

**Executive Director's Report**

Ms. Pierce directed the Board to the written Executive Director's Report and summarized as follows:

**a. Licensure Statistics**

Ms. Pierce reported that FY23 Q2 resulted in a net increase of 13 licenses, a less-than 1% increase from the prior quarter. These totals are commensurate with FY21 Q2, where 42 licenses were added and 41 expired. Notably, the HAS Apprentice census decreased this quarter, with four licenses expiring without conversion to a Standard HAS license.

**b. FY23 Q2 Financial Report**

Ms. Pierce summarized the FY23 Q2 Financial Summary, which resulted in net income higher than budgeted (54% of budget), and expenses lower than estimated (47% of budget). Reserves (equity) now total \$117,334.32 which is additional savings of \$5,531 since the end of the last quarter. There were no major deviations from the budget during this quarter.

Ms. Pierce also noted as revenue continues to increase, it is quite likely that the Board's FY23 revenue may exceed \$200,000, which will require a formal audit instead of a balance sheet submission to LCB. As a result, a line item will be added to the draft FY24 budget for consideration to approve funds and solicit a vendor for this service if required.

**c. Personnel Update: Resignation of and Recruitment for Part-Time Board Investigator**

Ms. Pierce reported that the Board office received and accepted Wayne Springmeyer's two-week notice of resignation effective January 25, 2023. Per the Board's Personnel Policy manual, an open,

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competitive announcement will be posted to find a replacement and any subsequent employment contract will be brought before the Board for final review and approval.

**d. Board Member Appointments/Reappointments**

Ms. Pierce summarized that the Board is fully appointed through July 2023 when both Tami Brancamp and Michael Hodes' terms will expire, and neither are eligible for reappointment. Minnie Foxx's first term will also expire in July 2023 and she is eligible to apply for reappointment. Board staff will begin recruitment efforts, including an email to all licensees and posting on the Board website for the following: One (1) Audiologist OR Dispensing Audiologist; and One (1) Speech-Language Pathologist working/practicing in a University or Hospital setting.

As Tami Brancamp is currently the Board Chair, and Michael Hodes chairs the Advisory Committee, an agenda item will be included in the Board's July 2023 meeting to include election of a new Board Chair and Vice-Chair based on nominations made by Board Members; appointments of Bank Signatories & Financial Reviewers; appointment of a Dispensing Audiologist to the Advisory Committee on Fitting and Dispensing Hearing Aids; and appointment/reappointment of non-Board members to the Advisory Committee on Fitting and Dispensing Hearing Aids. At its next meeting following these appointments, the Advisory Committee on Fitting and Dispensing Hearing Aids will also be tasked with electing a new Committee Chair from its appointed Board members.

**e. Complaints**

Ms. Pierce reported that there was one open complaint case following the October 19, 2022 Board Meeting. Three new complaints have been received since then (one in November 2022 and two in January 2023), resulting in four open cases.

**Request for Approval of Proposed Revision to FY23 Budget to Compensate Expert Reviewers for Complaint Cases**

Ms. Pierce requested the Board review and consider the proposed revised FY23 budget with a recommendation to approve the addition of up to \$1,000.00 for compensation to Expert Reviewers for complaint cases. Ms. Pierce explained that typically, if an Expert Reviewer is used, a Non-Disclosure Agreement is executed, and the review is completed without compensation. However, some cases demand review of copious amounts of medical and other records and it would be appropriate and fair to reimburse these professionals for their time.

There was some discussion on how this is handled by other Boards, as any current Board member who engaged in these reviews would subsequently be required to recuse themselves from a future hearing on the case. The consensus was that reimbursing these reviewers is very fair and appropriate. Tami Brancamp called for a motion. Andrea Menicucci made a motion to approve the revised budget with \$1,000.00 in additional funds to compensate expert reviewers as needed. Minnie Foxx seconded the motion. The motion passed unanimously.

**Report from Legal Counsel**

Henna Rasul, Board Counsel had no new information to report on legal matters.

**Reports from Board Chair and Board Members**

- a. **Report from Board Chair and Board Members:** There were no reports from the Board Chair or members.



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- b. **2023 Proposed Meeting Schedule:** The next meeting was scheduled for Wednesday, April 26, 2023 at 4:30pm.
- c. **Future Agenda Items:** The following matters were identified for the April 2023 and future agendas:
  - 1) **Work Session: Continued Work on Future Legislative Efforts (Standing Agenda Item):**
    - (a) Licensing Speech-Language Pathology Assistants
    - (b) Licensing Audiology Assistants
    - (c) Address Cerumen Management Practice by HAS
    - (d) Removal of NBC-HIS Certification for Standard HAS License
    - (e) Telesupervision by AUD & SLP
  - 2) Review and Approval of Draft FY24 Budget
  - 3) Response to Governor's Executive Orders, Including Public Hearing for Executive Order 2023-003
  - 4) Election of Board Chair & Vice Chair; Bank Signatories & Financial Reviewer Appointments (July 2023)

#### **Public Comment**

Nancy Kuhles shared the following public comment specific to Agenda Items 7a and 7b from this meeting regarding SLP and Audiology Assistants: "The licensing of SLP and Audiology Assistants by our State of Nevada Speech-Language-Pathology, Audiology and Hearing Aid Dispensing Board would benefit the State of Nevada. ASHA's 2021 survey of ratio data revealed Nevada to be 50th in the number of Audiologists per 100,000 citizens (2.4 per 100,000), and 51st in the number of SLPS per 100,000 citizens (30 per 100,000). The benefits of licensing Assistants by our state Board is twofold: meeting the needs of Nevada's citizens who need Audiology and Speech Language Pathology services throughout our state, and it also supports the services of Nevada SLPs and Audiologists." Ms. Kuhles thanked the Board for its time.

Minnie Foxx commented from her role as the public member of the Board regarding the disciplinary case heard earlier in the meeting, sharing that she felt the decision made was fair and just. She further shared her appreciation for the licensees on the Board and their thoughtfulness in handling the case.

#### **Adjournment**

Tami Brancamp adjourned the meeting at 5:28pm.



State of Nevada

Speech-Language Pathology, Audiology &amp; Hearing Aid Dispensing Board

## AGENDA ITEM 4

### Disciplinary Matters: License Reinstatement Application: Kjirsten Broughton, SLP License #SP-2141, Expired June 25, 2021

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On March 17, 2023 the Board office received a Reinstatement Application from Ms. Broughton for license #SP-2141, issued 6/26/2017 and expired 6/25/2021. Ms. Broughton's application indicated that she has been self-employed in her private practice, Southern Nevada Speech & Language Services since April 2018. She also listed former employment with the Clark County School District ending May 2021. The application indicates alleged unlicensed practice for approximately 1 year, 9 months.

Ms. Broughton was sent license reminders directly from Board staff to her current email address on 5/20/2021, 6/22/2021, and 7/27/2021. A system-generated email reminder was also sent from the licensing database on 4/26/2021.

A Cease & Desist letter and notice of this hearing was sent to Ms. Broughton via email and Certified US Mail.

**ACTION:**

1. Take one of the following actions regarding the reinstatement application: 1) Approve; 2) Deny.
2. The Board may also consider a civil penalty (fine) not to exceed \$5,000 per NRS 637B.280. Our 2020 adopted revision to NAC 637B allows for the following:
  - If unauthorized practice occurred over a period of 30 days or less, not less than \$50 or more than \$200;
  - If the unauthorized practice occurred over a period of 30 days or more, not less than \$200 or more than \$5,000.

For reference, the Board heard 7 similar cases between 2020-2023 and imposed the following:

DURATION	ACTION	ADMINISTRATIVE FINE
< 30 DAYS	Reinstated without conditions	\$50
30 DAYS	Reinstated without conditions	\$200
2 MONTHS	Reinstated without conditions	\$200
2 MONTHS	Reinstated without conditions	\$200
4 MONTHS	Reinstated without conditions	\$200
6 MONTHS	Reinstated without conditions	\$300
2 YEARS	Reinstated with conditions: notify former employer of unlicensed status while practicing/billing.	\$300

**ATTACHMENT(S):**

1. *License Reinstatement Packet - Broughton*



State of Nevada

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

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

(775) 787-3421 / Fax (775) 746-4105

[www.nvspeechhearing.org](http://www.nvspeechhearing.org) Email [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org)

## License Reinstatement Application

License Number: SP-2141 exp 6/25/21
☒ Speech-Language Pathologist
 ☐ Audiologist
 ☐ Hearing Aid Specialist

## Licensee Information

If different than previous name on Nevada license, legal proof of name change is required.

Legal Name: Kjirsten BroughtonMailing Address: 6932 Homing Pigeon Pl North Las Vegas NV 89084  
Street / P.O. Box City State ZIP

Home Phone ( ) Alternate / Cell Phone

E-mail Address: Previous Name:

SSN or TIN:

## Explanation of Reinstatement Request

Have you been employed and practicing in Nevada since your license expired? ☒ Yes ☐ No*If yes, please attach a written explanation of the reasons and/or circumstances your license was not renewed on time. Please note that your application may require further review by the Board.*

## Employment Information Update (last 3 years)

Current Nevada Employer: Southern NV Speech + Language Services Start Date: April 2018Address: 7582 Las Vegas Blvd. S. #143 Las Vegas NV 89123 Work Phone 702 670 0264  
Street City State ZipEmployer: Clark County School District Start Date: October 2018Address: 2832 E. Flamingo Rd. Las Vegas NV 89121 Work Phone END DATE: May 2021  
Street City State Zip

Employer: Start Date:

Address: Work Phone  
Street City State Zip

## Certification Status Update

\*Attach copy of current certification or card

☒ ASHA
 ☐ ABA
 ☐ NBC-HIS
 Number 14154908 Expiration 12/31/23

**Licensing History Update**

License Type	State	License #	Expiration
Speech-Language Pathologist	NV	SP-2141	6/25/2021

**Nevada Business License Information – Check appropriate answer. An answer is mandatory.**

- ☒ I have a Nevada Business License number assigned by the Secretary of State upon compliance with the provisions of NRS Chapter 76.  
 Name on business license: Southern NV Speech and Language Services  
 Business License #: 82-4260296 NV2018/200191
- ☐ I do NOT have a Nevada business license number.

**Child Support Information – Please check appropriate answer. An answer is mandatory**

- ☒ I am not subject to a court order for the support of a child.
- ☐ I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
- ☐ I am subject to a court order for the support of one or more children and am NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

**Legal Information (YES answer requires explanation)**

- Since the date of your last application or renewal, have there been any disciplinary actions or legal actions taken against your professional license for any reason? ☐ Yes ☒ No
- Are there any pending legal actions, complaints, investigations, or hearings in process? ☐ Yes ☒ No
- Since the date of your last application or renewal, have you had a professional license, certification or registration denied, restricted, suspended or revoked? ☐ Yes ☒ No
- Since the date of your last application or renewal, have you relinquished responsibilities, resigned a position or been fired while a complaint was pending against you? ☐ Yes ☒ No
- Since the date of your last application or renewal, have you been convicted of, or pled guilty or nolo contendere to, a violation of ANY federal or state statute, city or county ordinance, or any law of a foreign country? (Exclude minor traffic violations not involving drugs or alcohol.) ☐ Yes ☒ No

***If you answered "yes" to any question above, please attach a written explanation of the incident/action. Please note that your application may require further review by the Board.***

## Continuing Education Information

Requires minimum of 10 hours for all license types.

- 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 dispensing audiologist, at least 3 of the 10 annual hours must relate directly to the practice of fitting and dispensing hearing aids.

List dates of completion; course(s), and CE Hours awarded for continuing education credit that was completed in the **previous 12 months**. If dual licensed, check applicable license for CE credit.


Date	Course	CE Hours
3/14/23	Navigating Ethical Predicaments in your work w/ diverse students	1
3/14/23	Speech therapy for the life skills classroom	1
3/15/23	Align therapy to the curriculum to reduce planning time + increase outcomes (Bilingualists)	1
3/15/23	Reasons your reports take too long + how to shorten the process (Bilingualists)	1
3/15/23	Differential Diagnosis in preschool <del>age</del> evaluations: A case study (LEADER project)	6
	total	10

## Acknowledgement and Declaration of Applicant

## Notice of Mandatory Reporting

- ☒ I acknowledge I have been informed of my duty as a mandatory reporter of abuse or neglect of a child pursuant to NRS 432B. (Speech-Language Pathologist, Audiologist)

I declare, under penalty of perjury, all the information supplied herein is to the best of my knowledge true, accurate and complete and I have not withheld, misrepresented, or falsely stated any information relevant to my training or experience or my fitness to practice audiology or speech pathology.

  
Signature of Applicant

3/17/2023  
Date

## BOARD USE ONLY

Date Received: 3/17/2023

Date Issued: \_\_\_\_\_

Fees Paid By: ☒ Credit Card ☐ Check/MO# \_\_\_\_\_ Amount Paid: \$ 200.00

☒ Certification Verification ☐ License Verification ☒ Continuing Education

N/A

Dear State of Nevada Speech-Language Pathology, Audiology, & Hearing Aid Dispensing Board,

I am writing to request reinstatement of my license which was not renewed on time. I understand the gravity of the situation and the importance of renewing my license in a timely manner. I was going through a difficult time personally, which required my full attention, but this is absolutely no excuse to forget something so essential. I understand the importance of maintaining a valid license and I take full responsibility for my failure to renew it in a timely manner.

I would like to clarify that my national license with the American Speech-Language-Hearing Association (ASHA) has never expired, and I have been actively maintaining it. However, I regret that I did not pay attention to the expiration date of my state license, and I apologize for any confusion this may have caused.

I have been self-employed and practicing since my license expired. I have been working diligently to keep up with the latest developments in my field and have continued to provide quality service to my clients. I assure you that it was not my intention to let my license lapse, and I was not aware of it until earlier this week.

I am truly sorry for any inconvenience my lapse in renewal may have caused and I am committed to ensuring that it never happens again. I have taken the necessary steps to ensure that I remain current on all professional requirements and I am ready to comply with any conditions necessary for reinstatement of my license.

Thank you for your understanding and consideration of my request.

Sincerely,  
Kjirsten Broughton





State of Nevada

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

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

(775) 787-3421 / Fax (775) 746-4105

[www.nvspeechhearing.org](http://www.nvspeechhearing.org) Email [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org)

March 20, 2023

Kjirsten Broughton

6932 Homing Pigeon Place

North Las Vegas, NV 89084

CERTIFIED MAIL

Via Email: [kjirsten.broughton@gmail.com](mailto:kjirsten.broughton@gmail.com)

RE: **License #SP-2141 (Expired)**  
**Notice to Cease and Desist**

Dear Ms. Broughton,

On March 17, 2023 this office received a Reinstatement Application from you for license #SP-2141, issued 6/26/2017 and expired 6/25/2021. Your reinstatement application lists your current employment with your private practice, Southern Nevada Speech & Language Services since April 2018. You also listed former employment with the Clark County School District ending May 2021.

Our records indicate that you were sent license reminders directly from Board staff to your current email address on 5/20/2021, 6/22/2021, and 7/27/2021. A system-generated email reminder was also sent to you from our licensing database on 4/26/2021.

Failing to renew your license on time and continuing to engage in private practice as an unlicensed Speech-Language Pathologist suggests violation of the following Speech-Language Pathology, Audiology and Hearing Aid Dispensing laws and regulations:

**Nevada Revised Statutes (NRS)**

***NRS 637B.290 Practice without license: Prohibition; penalties.***

1. *A person shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter.*
2. *In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may: (a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation.*

***NRS 637B.310 Injunctive relief against person practicing without license.***

1. *The Board through its Chair or Vice Chair may maintain in any court of competent jurisdiction a suit for an injunction against any person engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without a license valid under this chapter.*
2. *Such an injunction:*
  - (a) *May be issued without proof of actual damage sustained by any person, this provision*



*being a preventive as well as a punitive measure.*

*(b) Shall not relieve such person from criminal prosecution for practicing without a license.*

**NRS 637B.320 Penalty.**

*Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.*

**You are hereby ordered to Cease and Desist the private practice of Speech-Language Pathology until the Board considers your License Reinstatement Application.**

**You are hereby given notice of the Board's intent to consider your character, alleged misconduct, professional competence, or health at its next meeting on Wednesday, April 26, 2023 at 4:30pm Pacific.**

The meeting is a public meeting, and you are welcome to attend. The Board may go into closed session to consider the following general topics: your License Reinstatement Application and any alleged unlicensed practice you engaged in between June 2021 and March 2023.

You are welcome to attend the closed session, have an attorney or other representative of your choosing present during the closed meeting, present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health.

You may appear at the meeting in person or via teleconference, but your attendance is not required for the Board to consider the matter. The meeting will be physically hosted from the Board office at 6170 Mae Anne Avenue, Suite 1, Reno, NV 89523, and accessible live via ZOOM teleconference.

A copy of the meeting agenda will be sent to you no less than three days prior to the meeting with the teleconference details.

A copy of this letter is being mailed to you via Certified Mail in accordance with the Nevada Open Meeting Law (NRS 241.033(1), which requires that a *"public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person, unless it has given written notice to that person of the time and place of the meeting."* Such written notice must either be (a) delivered personally to that person at least five (5) working days before the meeting, or (b) sent by certified mail to the last known address of that person at least twenty-one (21) working days before the meeting."

Should the Board not receive a Certified Mail return receipt, you may be contacted to complete a *Waiver of Notice*. If neither is received, your Reinstatement Application may not be included on the meeting agenda.

Pursuant to NRS 637B.290, the Board may take any of the following actions in consideration of your application:

**NRS 637B.280 Authority of Board to take disciplinary or other action; private reprimands prohibited; orders imposing discipline deemed public records.**

1. *If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:*
  - (a) Refuse to renew a license;*
  - (b) Revoke a license;*
  - (c) Suspend a license;*

- (d) Administer to the licensee a public reprimand;
  - (e) Impose conditions on the practice of the licensee;
  - (f) Impose a civil penalty not to exceed \$5,000 for each act constituting grounds for disciplinary action; or
  - (g) Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.
2. The Board shall not administer a private reprimand.
  3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.
- (Added to NRS by 1979, 1257; A 2003, 3453; 2005, 776; 2015, 2309)

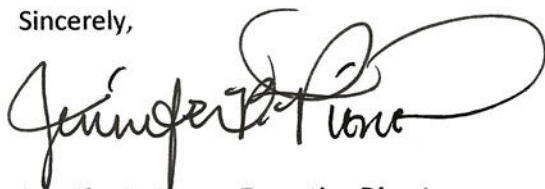
**NRS 637B.290 Practice without license: Prohibition; penalties.**

1. A person shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter.
2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:
  - (a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.
  - (b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.
  - (c) Assess against the person an administrative fine of not more than \$5,000.
  - (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

If you have any questions regarding this process, please feel free to contact the Board office at (775) 787-3421 or [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org).

Your prompt attention to this matter is greatly appreciated.

Sincerely,



Jennifer R. Pierce, Executive Director  
Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

cc: Henna Rasul, State of Nevada, Senior Deputy Attorney General; Counsel to the Board



**Maria Nutile, Esq.\***  
**Bridget Kelly, Esq. \*\***

\* licensed in NV, AZ and CO

\*\* licensed in NV and AZ

March 31, 2023

**VIA EMAIL**

[hrasul@ag.nv.gov](mailto:hrasul@ag.nv.gov)

Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board  
6170 Mae Anne Ave., Ste. 1  
Reno, NV 89523  
c/o Henna Rasul, SDAG

**Re:   *License #SP-2141 (Expired)***  
***Kjirsten Broughton, M.S., CCC-SLP***

Dear Ms. Rasul:

Please accept this letter as confirmation of our representation of Kjirsten Broughton, M.S., CCC-SLP.

Should you have any questions, I may be reached at 702.307.4871.

Sincerely,

NUTILE LAW

Bridget Kelly, Esq.

cc:   Kjirsten Broughton, M.S., CCC-SLP  
      Maria Nutile, Esq.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 5

### Public Hearing to Solicit Feedback on Regulations in NAC Chapter 637B per Governor's Executive Order 2023-003

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The purpose of the hearing is to solicit comments from licensees, stakeholders, and other interested persons on the Board's regulations, NAC Chapter 637B.

Per the Governor's Executive Order 2003-003, the Board must submit a report to the Governor's Office by May 1, 2023 with recommendations for regulations that may be modified and removed, and the report must include feedback solicited from key industry stakeholders at a public hearing to:

1. *Vet their recommended changes;*
2. *Solicit input as to the merits of those changes; and*
3. *Identify other regulatory changes stakeholders feel are worthy of consideration.*

This stakeholder input must be reflected in the summary of findings and recommendations included in the Board's report.

All sections of NAC 637B are enclosed in this packet and may be reviewed and considered for revision at this meeting.

- A DRAFT version of the May 1, 2023 report with proposed drafted revisions begins on Page 23 of this packet.
- NAC 637B, in its entirety, for review and recommendation of other revisions begins on Page 40 of this packet

**ACTION:** None – INFORMATIONAL ONLY

**ATTACHMENT(S):**

1. *2023-003 Executive Order Report DRAFT 4 26 2023 (Page 23 or see bookmark to left)*
2. *NAC Chapter 637B and Adopted Revisions (Page 40 or see bookmark to left)*



## **Report for Executive Order 2023-003**

**DRAFT FOR FEEDBACK AT PUBLIC HEARING SCHEDULED 4/26/2023**  
**PENDING REVIEW/RECOMMENDATION FROM BOARD**  
**REVIEWED BY ADVISORY COMMITTEE ON 4/12/2023 WITH NO CHANGES RECOMMENDED**

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:

<b>Regulation/ Information as required on page 1</b>	<b>Page number</b>
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:

<b>Regulation/Information as required on page 1</b>	<b>Page number</b>
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)

### 1.1. 637B.030 Schedule of fees.

#### A. Citation with Proposed Modification

##### **637B.030 Schedule of fees.**

*The Board will charge and collect the following fees:*

<i>Application fee.....</i>	<i>\$150</i>
<i>Fee for a standard license or provisional license.....</i>	<i>100</i>
<i>Fee for a temporary license.....</i>	<i>50</i>
<i>Fee for a limited license.....</i>	<i>25</i>
<i>Fee for renewal of a standard license or provisional license.....</i>	<i>100</i>
<i>Fee for renewal of an <b>inactive or</b> temporary license.....</i>	<i>50</i>
<i>Reinstatement fee for a standard license or provisional license expired 30 days or more.....</i>	<i>100</i>
<i>Reinstatement fee for a standard license or provisional license expired less than 30 days.....</i>	<i>75</i>
<i>Examination fee.....</i>	<i>200</i>
<i>Fee for converting to a different type of license.....</i>	<i>50</i>
<i>Fee for each additional license or endorsement.....</i>	<i>50</i>
<i>Fee for obtaining license information.....</i>	<i>50</i>
<i>(Added to NAC by Bd. of Exam'rs for Audiology &amp; Speech Path., eff. 6-20-90; A 11-15-95; A by Speech-Language Pathology, Audiology &amp; Hearing Aid Dispensing Bd. by R129-15, 6-28-2016)</i>	

#### B. 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.

#### C. Estimated Impact

- 1) Adverse and Beneficial Effects: The change is beneficial to licensees though a reduction in fees charged. No adverse effects have been identified.
- 2) 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.
- 3) Cost Savings to the State or Agency: This revision will not result in cost savings to the State or Agency.

**1.2. 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.**

**A. 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).*

**B. 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.

**C. Estimated Impact**

- 1) 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.
- 2) 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.
- 3) Cost Savings to the State or Agency: This revision will not result in cost savings to the State or Agency.



### 1.3. 637B.0385(2) Information to be maintained with Board; notices provided to licensee by Board.

#### A. 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)*

#### B. 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.

#### C. Estimated Impact

- 1) 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.
- 2) Positive or Negative Economic Impact: No economic impacts are noted.
- 3) Cost Savings to the State or Agency: This revision will result in cost savings to the Agency by reducing the costs of postage.

**1.4. 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.**

**A. 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 ~~4~~ 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)*

**B. 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.

**C. Estimated Impact**

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

**1.5. 637B.0442 Delegation of duties by hearing aid specialist, audiologist, or dispensing audiologist to an unlicensed office assistant, aide or technician.**

**A. 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. ~~H~~ 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 ~~he~~ 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 ~~officer~~ **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

- 1) 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.
- 2) 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.
- 3) 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.

## 1.6. 637B.0444 Requirements concerning waiver by client of medical evaluation.

### A. 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)*

### B. 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.

### C. Estimated Impact

- 1) 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.
- 2) Positive or Negative Economic Impact: No positive or negative economic impacts have been identified.
- 3) 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)

### 2.1. 637B.0365(1)(c) Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application.

#### A. 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)*

#### B. 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.

#### C. Estimated Impact

- 1) 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.
- 2) 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.
- 3) Cost Savings to the State or Agency: This revision will not result in cost savings to the State or Agency.



## **2.2. 637B.0392(4) In-service training for apprentices: Contents and approval of academic training; maintenance of list of approved programs.**

### **A. 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)*

### **B. Explanation for Proposed Change**

Other more appropriate resources already exist to identify approved programs, such as the International Hearing Society's [resources on academic training for Hearing Aid Specialists](#).

### **C. Estimated Impact**

- 1) 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.
- 2) Positive or Negative Economic Impact: No economic impacts have been noted.
- 3) 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.

### 2.3. 637B.700 Address for written communications and documents to Board.

#### A. 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)*

#### B. Explanation for Proposed Change

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

#### C. Estimated Impact

- 1) 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.
- 2) 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.
- 3) 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
<a href="#">637B.001</a>	<i>Definitions.</i>	None.
<a href="#">637B.0015</a>	<i>“Applicant” defined.</i>	
<a href="#">637B.0025</a>	<i>“Board” defined.</i>	
<a href="#">637B.003</a>	<i>“Client” defined.</i>	
<a href="#">637B.0045</a>	<i>“Licensee” defined.</i>	
<a href="#">637B.008</a>	<i>“Standard license” defined.</i>	
<a href="#">637B.011</a>	<i>Authority to use designation related to degree of doctor of audiology.</i>	
<a href="#">637B.033</a>	<i>Creation; number of members; terms; reappointment.</i>	
<a href="#">637B.034</a>	<i>Membership; qualifications; chair; duties; quorum; compensation.</i>	
<a href="#">637B.035</a>	<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.
<a href="#">637B.0355</a>	<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.
<a href="#">637B.036</a>	<i>Expiration and renewal of standard or provisional license; combined application for renewal of license as audiologist and speech-language pathologist.</i>	None.
<a href="#">637B.0363</a>	<i>Renewal of provisional license to engage in practice of fitting and dispensing hearing aids.</i>	
<a href="#">637B.0364</a>	<i>Retroactive renewal of standard or provisional license.</i>	
<a href="#">637B.025</a>	<i>Executive Director and staff: Appointment; duties; salary.</i>	
<a href="#">637B.0365</a> <a href="#">(2)(3)</a>	<i>Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application.</i>	

<a href="#">637B.0368</a>	<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>	
<a href="#">637B.037</a>	<i>Application for license expired 3 years or more.</i>	Prescribed by <a href="#">NRS 637B.191(2)</a> 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.”
<a href="#">637B.0374</a>	<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.
<a href="#">637B.0375</a>	<i>Alteration of license or license card prohibited.</i>	None.
<a href="#">637B.038</a>	<i>Practice under any name under which licensee does not hold license prohibited; change of name; issuance of duplicate license.</i>	
<a href="#">637B.039</a>	<i>Verification of license by Board upon request of licensee.</i>	
<a href="#">637B.0391</a>	<i>In-service training for apprentices: General requirements; direct supervision; exemption from participation.</i>	Revised June 8, 2020 ( <a href="#">LCB File R095-19</a> ) 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
<a href="#">637B.0392</a> <a href="#">(1)(2)(3)</a>	<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.
<a href="#">637B.0394</a>	<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>	
<a href="#">637B.0396</a>	<i>Qualifications to act as sponsor of apprentice; limitation on number of apprentices or sponsors.</i>	Revised June 8, 2020 ( <a href="#">LCB File R095-19</a> ) to clarify existing regulation language to require that a sponsor and an apprentice shall have the same employer.

<a href="#">637B.0398</a>	<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.
<a href="#">637B.042</a>	<i>Professional responsibility.</i>	None.
<a href="#">637B.044</a>	<i>Responsibility to client.</i>	
<a href="#">637B.0446</a>	<i>Case history and minimum procedures required for prospective candidate for hearing aid; exception.</i>	
<a href="#">637B.0448</a>	<i>Duties of hearing aid specialist or dispensing audiologist concerning hearing aid he or she sells or fits.</i>	
<a href="#">637B.045</a>	<i>Preparation and retention of health care records and other records.</i>	
<a href="#">637B.046</a>	<i>Grounds for disciplinary action: Unprofessional conduct.</i>	
<a href="#">637B.048</a>	<i>Grounds for disciplinary action: "Professional incompetence" interpreted.</i>	
<a href="#">637B.090</a>	<i>Address for written communications and documents to Board. [Replaced in revision by NAC 637B.700.]</i>	
<a href="#">637B.380</a>	<i>Petitions. [Replaced in revision by <a href="#">NAC 637B.710.</a>]</i>	
<a href="#">637B.390</a>	<i>Decision by Board. [Replaced in revision by <a href="#">NAC 637B.715.</a>]</i>	
<a href="#">637B.400</a>	<i>Requirements for renewal of standard or provisional license; records; audits; excess credits may not be carried forward.</i>	Revised June 13, 2022 ( <a href="#">LCB File R064-21</a> ) 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.

<a href="#"><u>637B.403</u></a>	<i>Requirements for holder of standard or provisional license; exception for first renewal of license.</i>	None.
<a href="#"><u>637B.420</u></a>	<i>Acceptable activities, courses, seminars, workshops and similar functions; limitations on credit; written request for approval of other continuing education.</i>	
<a href="#"><u>637B.430</u></a>	<i>Waiver of requirements; additional time for completion if waiver not granted.</i>	
<a href="#"><u>637B.705</u></a>	<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>	
<a href="#"><u>637B.710</u></a>	<i>Petition for declaratory order or advisory opinion: Submission.</i>	
<a href="#"><u>637B.715</u></a>	<i>Petition for declaratory order or advisory opinion: Meeting and decision by Board; service of denial and other correspondence.</i>	
<a href="#"><u>637B.720</u></a>	<i>Filing or initiation of complaint against licensee; contents; review; complaint filed against apprentice.</i>	
<a href="#"><u>637B.730</u></a>	<i>Conduct of hearing in contested case.</i>	
<a href="#"><u>637B.735</u></a>	<i>Recovery of attorney's fees and costs.</i>	
<a href="#"><u>637B.740</u></a>	<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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2020 JUN 8 AM 11:47

**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

**FILED.NV.SOS**  
**2022 JUN 13 AM8:35**

**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.



## AGENDA ITEM 6

### Report Out and Consideration of Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of January 18, 2023

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**a. Review and Feedback on Regulation Review and Proposal for Revision/Modification and Draft Report for Executive Order 2003-00**

The Board's regulations, NAC Chapter 637B and Adopted Revisions, and the 2023-003 Executive Order Report DRAFT were presented to the Committee for review and recommendation to the Board on regulations related to fitting and dispensing hearing aids. The Committee recommended no changes to the proposed report.

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

**ATTACHMENT(S):** None.

**b. 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. 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 was reviewed by the Committee at this meeting with action to recommend the Board pursue the change in a future legislative session as follows:

*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:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):** None.



State of Nevada

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

**c. Update on IHS Practical Exam Revisions and Fees**

The IHS practical exam has been revised and should be released in the near future, with an increase in the cost of the exam materials.

- 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 maximum rate will likely be \$200.00 per exam but is willing to work with our Board on a graduated increase.
- 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.

Further discussion on a rate increase and impact on future budgets will be included in Agenda Item 12 later in this meeting.

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

**ATTACHMENT(S):** None.



## AGENDA ITEM 7

### Review and Approval of Reports Due to Governor's Office on Executive Orders 2003-003 and 2003-004 with Inclusion of Feedback from Public Hearing

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**a. 2023-003 Executive Order Report Review and Approval with Discussion and Inclusion of Stakeholder Feedback from Public Hearing and Recommendations from Advisory Committee on Fitting and Dispensing Hearing Aids**

A DRAFT version of the report due May 1, 2023 is included with proposed revisions, along with NAC 637B for review and considerations for revision and addition to the report. The Board should also consider stakeholder feedback received at the Public Meeting and recommendations made by the Advisory Committee on Fitting and Dispensing Hearing Aids.

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

**ATTACHMENT(S):**

1. *2023-003 Executive Order Report DRAFT 4 26 2023 (Page 23 or see bookmark to left)*
2. *NAC Chapter 637B and Adopted Revisions (Page 40 or see bookmark to left)*

**b. Review and Approval of Regulations to Request Exemption from Executive Order 2003-003**

It is recommended that the Board approve exemption a request for exemption from Executive Order 2003-003 on the following regulations to pursue the proposed revisions in the 2023-2024 interim:

- 1) NAC 637B.0373(5): Revise to extend acceptance of passing score on Written ILE Dispensing Exam from previous 12 months to previous 24 months.
- 2) 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.
- 3) NAC 637B.0442: Revise to expand allowable duties that may be delegated to an unlicensed assistant.
- 4) NAC 637B.0444: Replace reference to 21 C.F.R. § 801.421 (repealed) with NRS 637B.242.
- 5) NAC 637B.0365(1)(c): Remove requirement for ABA/ASHA/NBC-HIS certification at license reinstatement.

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

**ATTACHMENT(S):**

1. *2023-003 Executive Order Report DRAFT 4 26 2023 (Page 23 or see bookmark to left)*

**c. Review of Report on Executive Order 2023-004 Submitted March 28, 2023 per Board Delegation to Board Chair and Executive Director**

The report required for submission to the Governor's Office by April 1, 2023 pursuant to Executive Order 2023-004 is included for the Board's review.

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

**ATTACHMENT(S):**

1. *Report on Executive Order 2023-004\_FINAL 3 28 2023 (Page 75 or see bookmark to left)*



**State of Nevada**

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

6170 Mae Anne Avenue, Suite, Reno, NV 89523 (775) 787-3421 / Fax (775) 746-4105

[www.nvspeechhearing.org](http://www.nvspeechhearing.org) Email: [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org)

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March 28, 2023

Office of the Governor  
101 N. Carson Street, Suite 1  
Carson City, NV, 89701  
ATTN: Dylan K. Tedford  
Via Email: [dktedford@gov.nv.gov](mailto:dktedford@gov.nv.gov)

RE: Executive Order 2023-004 Report

Dear Mr. Tedford,

Please find attached the required report to the Office of the Governor pursuant to Executive Order 2003-004.

Please let us know if you have any questions. The Board's Executive Director, Jennifer Pierce, may be reached at [execdirector@nvspeechhearing.org](mailto:execdirector@nvspeechhearing.org) or (775) 787-3421.

Very Respectfully,

*Tami U. Brancamp, Ph.D., CCC*

Tami U. Brancamp, Ph.D. Board  
Chair

A handwritten signature in black ink, appearing to read "Jennifer R. Pierce".

Jennifer R. Pierce  
Executive Director

List the Occupation or Profession regulated by the Board (Name each occupation or profession on a separate line.)	List pertinent regulations pertaining to the entry into the occupation or profession	Provide the fees and other costs associated with the entry into the profession	Is an examination necessary for entry into the occupation or profession?	Are there any other requirements necessary for entry into the occupation or profession? (Please list, if any)	Provide the board's justification for the regulations, fees, and other requirements necessary for entry into the occupation or profession	Do the majority of states (26 or more) currently license the occupation or profession?	Identify any state compacts or any other pathways for licensure reciprocity that may exist regionally, nationally or internationally for the occupation or profession	Do the majority of states (26 or more) allow for license reciprocity for the occupation or profession	Does Nevada currently participate in any reciprocity for the occupation or profession	If Nevada does not currently participate in any reciprocity program for the occupation or profession, provide a justification as to why	Provide any recommended revisions to the current regulatory construct that would expedite licensure for the occupation or profession	Provide a recommendation for phasing out the licensing requirement for the occupation or profession that is not subject to licensure requirements in the majority of states (26 or more) (for any "No" answers in column (G))	Provide a recommendation for implementing a program for reciprocity for the occupation or profession that is currently licensed in Nevada, where a majority of states (26 or more) allows for reciprocity, but Nevada does not currently participate in any reciprocity program for the occupation or profession (for any "Yes" answers in column (I) combined with any "No" answers in column (J)))
Audiologist	NRS 637B.030 NRS 637B.050 NRS 637B.160 NRS 637B.166 NRS 637B.175 NRS 637B.190 NRS 637B.191 NRS 637B.196 NRS 637B.200 NRS 637B.202 NRS 637B.203 NRS 637B.204 NAC 637B.030 NAC 637B.035 NAC 637B.0355 NAC 637B.0365 NAC 637B.037	\$250 Initial Application & License; \$100 Annual Renewal	No	1) Must hold a Doctoral Degree from an educational program accredited by ASHA or the Commission for Audiology Education.	Initial application and license fees are required for processing of application and license. Renewal fees support ongoing licensing & oversight.	Yes	The Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) is in development with 23 states joined to date.	Yes	Yes	NRS 637B.203 and 637B.204 already allow this Board to issue a Standard license for the practice of Audiology or Speech-Language Pathology through Expedited License by Endorsement (LBE) to an eligible applicant holding an out-of-state license, including those who are military-affiliated. Historically, the Board had not exercised this option, as its licensing process is very efficient and licenses are typically issued no later than one calendar week of receipt of a complete application. However, recognizing the importance of reciprocity to issue licenses as expeditiously as possible, the Board approved and implemented a formal LBE licensure process in 2022.  The Board has not taken action to pursue legislation to join the ASLP-IC for several reasons, including but not limited to: ASLP-IC still under development, legislation required to join compact, limited occupational licensing compacts in Nevada, limited practitioner types, requirement to conduct criminal background checks, allowance for states to impose supplemental requirements (negating "automatic" licensure), requirement to accept universal licensing requirements and unknown fiscal impact.	1) Revise NAC 637B.0365(1)(c) to remove requirement for ABA/ ASHA/ NBC-HIS Certification at license reinstatement.		



List the Occupation or Profession regulated by the Board (Name each occupation or profession on a separate line.)	List pertinent regulations pertaining to the entry into the occupation or profession	Provide the fees and other costs associated with the entry into the profession	Is an examination necessary for entry into the occupation or profession?	Are there any other requirements necessary for entry into the occupation or profession? (Please list, if any)	Provide the board's justification for the regulations, fees, and other requirements necessary for entry into the occupation or profession	Do the majority of states (26 or more) currently license the occupation or profession?	Identify any state compacts or any other pathways for licensure reciprocity that may exist regionally, nationally or internationally for the occupation or profession	Do the majority of states (26 or more) allow for license reciprocity for the occupation or profession	Does Nevada currently participate in any reciprocity for the occupation or profession	If Nevada does not currently participate in any reciprocity program for the occupation or profession, provide a justification as to why	Provide any recommended revisions to the current regulatory construct that would expedite licensure for the occupation or profession	Provide a recommendation for phasing out the licensing requirement for the occupation or profession that is not subject to licensure requirements in the majority of states (26 or more) (for any "No" answers in column (G))	Provide a recommendation for implementing a program for reciprocity for the occupation or profession that is currently licensed in Nevada, where a majority of states (26 or more) allows for reciprocity, but Nevada does not currently participate in any reciprocity program for the occupation or profession (for any "Yes" answers in column (I) combined with any "No" answers in column (J)))
Dispensing Audiologist	NRS 637B.042 NRS 637B.050 NRS 637B.055 NRS 637B.160 NRS 637B.166 NRS 637B.175 NRS 637B.190 NRS 637B.191 NRS 637B.196 NRS 637B.200 NRS 637B.202 NRS 637B.205 NAC 637B.037 NAC 637B.030 NAC 637B.0355 NAC 637B.0365 NAC 637B.0373 NAC 637B.0374 NAC 637B.0442	\$300 Initial License (\$250 Initial Application & license + \$50 Dispensing Endorsement); \$150 Annual Renewal; \$200 Dispensing Practical Examination	Yes	1) Must hold a Doctoral Degree from an educational program accredited by ASHA or the Commission for Audiology Education.  2) Passage of both written and practical hearing aid dispensing examinations (column D). (May obtain Temporary license to practice that may be converted to a Standard license upon passage of examinations.)	Initial application and license fees are required for processing of application and license. Renewal fees support ongoing licensing & oversight. Examination fee of \$200 covers cost to the Board of \$50 for examination booklet (the cost to the Board may be increased in the near future), \$100 compensation to the examination proctor, and the remaining \$50 covers Board staff time for coordinating examinations.	Yes	The Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) is in development with 23 states joined to date.	Yes	Yes	Board statutes allowing expedited license by endorsement do not include Dispensing Audiologists as these applicants must complete both written and practical hearing aid dispensing examinations. In lieu of reciprocity, these applicants may obtain a Temporary license that allows them to practice for up to one year while completing the examinations.	1) Revise NAC 637B.0373(5) to extend acceptance of passing score on Written ILE Dispensing Exam from previous 12 months to previous 24 months. (Approved by Board in 2022 to pursue change.)  2) Revise NAC 637B.0442 (and related NAC 637B.0398(3)) to expand allowable duties that may be delegated by these practitioners to an unlicensed assistant. (Recommended by Advisory Committee in 2022 to pursue change.)  3) Revise NAC 637B.0365(1)(c) to remove requirement for ABA/ASHA/NBC-HIS Certification at license reinstatement.		

PAGE 78													
List the Occupation or Profession regulated by the Board (Name each occupation or profession on a separate line.)	List pertinent regulations pertaining to the entry into the occupation or profession	Provide the fees and other costs associated with the entry into the profession	Is an examination necessary for entry into the occupation or profession?	Are there any other requirements necessary for entry into the occupation or profession? (Please list, if any)	Provide the board's justification for the regulations, fees, and other requirements necessary for entry into the occupation or profession	Do the majority of states (26 or more) currently license the occupation or profession?	Identify any state compacts or any other pathways for licensure reciprocity that may exist regionally, nationally or internationally for the occupation or profession	Do the majority of states (26 or more) allow for license reciprocity for the occupation or profession	Does Nevada currently participate in any reciprocity for the occupation or profession	If Nevada does not currently participate in any reciprocity program for the occupation or profession, provide a justification as to why	Provide any recommended revisions to the current regulatory construct that would expedite licensure for the occupation or profession	Provide a recommendation for phasing out the licensing requirement for the occupation or profession that is not subject to licensure requirements in the majority of states (26 or more) (for any "No" answers in column (G))	Provide a recommendation for implementing a program for reciprocity for the occupation or profession that is currently licensed in Nevada, where a majority of states (26 or more) allows for reciprocity, but Nevada does not currently participate in any reciprocity program for the occupation or profession (for any "Yes" answers in column (I) combined with any "No" answers in column (J))
Speech-Language Pathologist	NRS 637B.060 NRS 637B.070 NRS 637B.160 NRS 637B.166 NRS 637B.175 NRS 637B.190 NRS 637B.191 NRS 637B.196 NRS 637B.197 NRS 637B.200 NRS 637B.202 NRS 637B.203 NRS 637B.204 NAC 637B.0355 NAC 637B.0365 NAC 637B.037	\$250 Initial Application & License; \$100 Annual Renewal	No	1) Must hold a master's degree from an ASHA-accredited educational program.  2) Must hold current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from the American Speech-Hearing Association (ASHA)	Initial application and license fees are required for processing of application and license. Renewal fees support ongoing licensing & oversight.	Yes	The Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) is in development with 23 states joined to date.	Yes	Yes	NRS 637B.203 and 637B.204 already allow this Board to issue a Standard license for the practice of Audiology or Speech-Language Pathology through Expedited License by Endorsement (LBE) to an eligible applicant holding an out-of-state license, including those who are military-affiliated. Historically, the Board had not exercised this option, as its licensing process is very efficient and licenses are typically issued no later than one calendar week of receipt of a complete application. However, recognizing the importance of reciprocity to issue licenses as expeditiously as possible, the Board approved and implemented a formal LBE licensure process in 2022.  The Board has not taken action to pursue legislation to join the ASLP-IC for several reasons, including but not limited to: ASLP-IC still under development, legislation required to join compact, limited occupational licensing compacts in Nevada, limited practitioner types, requirement to conduct criminal background checks, allowance for states to impose supplemental requirements (negating "automatic" licensure), requirement to accept universal licensing requirements and unknown fiscal impact.	1) Revise NAC 637B.0365(1)(c) to remove requirement for ABA/ASHA/NBC-HIS Certification at license reinstatement.		

List the Occupation or Profession regulated by the Board (Name each occupation or profession on a separate line.)	List pertinent regulations pertaining to the entry into the occupation or profession	Provide the fees and other costs associated with the entry into the profession	Is an examination necessary for entry into the occupation or profession?	Are there any other requirements necessary for entry into the occupation or profession? (Please list, if any)	Provide the board's justification for the regulations, fees, and other requirements necessary for entry into the occupation or profession	Do the majority of states (26 or more) currently license the occupation or profession?	Identify any state compacts or any other pathways for licensure reciprocity that may exist regionally, nationally or internationally for the occupation or profession	Do the majority of states (26 or more) allow for license reciprocity for the occupation or profession	Does Nevada currently participate in any reciprocity for the occupation or profession	If Nevada does not currently participate in any reciprocity program for the occupation or profession, provide a justification as to why	Provide any recommended revisions to the current regulatory construct that would expedite licensure for the occupation or profession	Provide a recommendation for phasing out the licensing requirement for the occupation or profession that is not subject to licensure requirements in the majority of states (26 or more) (for any "No" answers in column (G))	Provide a recommendation for implementing a program for reciprocity for the occupation or profession that is currently licensed in Nevada, where a majority of states (26 or more) allows for reciprocity, but Nevada does not currently participate in any reciprocity program for the occupation or profession (for any "Yes" answers in column (I) combined with any "No" answers in column (J)))
Speech-Language Pathologist Provisional	NRS 637B.060 NRS 637B.070 NRS 637B.160 NRS 637B.166 NRS 637B.175 NRS 637B.191 NRS 637B.196 NRS 637B.201 NAC 637B.0355 NAC 637B.0365 NAC 637B.037	\$250 Initial Application & License; \$100 Annual Renewal	No	1) Must hold a master's degree from an ASHA-accredited educational program.  2) Must provide a passing score on the national PRAXIS Examination.	Initial application and license fees are required for processing of application and license. Renewal fees support ongoing licensing & oversight.	Yes	The Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) is in development with 23 states joining to date.	No	No	There are no interstate/inter national reciprocity programs available for this practitioner type. These licensees hold a Provisional license while completing the post-graduate clinical fellowship training.	None.		



List the Occupation or Profession regulated by the Board (Name each occupation or profession on a separate line.)	List pertinent regulations pertaining to the entry into the occupation or profession	Provide the fees and other costs associated with the entry into the profession	Is an examination necessary for entry into the occupation or profession?	Are there any other requirements necessary for entry into the occupation or profession? (Please list, if any)	Provide the board's justification for the regulations, fees, and other requirements necessary for entry into the occupation or profession	Do the majority of states (26 or more) currently license the occupation or profession?	Identify any state compacts or any other pathways for licensure reciprocity that may exist regionally, nationally or internationally for the occupation or profession	Do the majority of states (26 or more) allow for license reciprocity for the occupation or profession	Does Nevada currently participate in any reciprocity for the occupation or profession	If Nevada does not currently participate in any reciprocity program for the occupation or profession, provide a justification as to why	Provide any recommended revisions to the current regulatory construct that would expedite licensure for the occupation or profession	Provide a recommendation for phasing out the licensing requirement for the occupation or profession that is not subject to licensure requirements in the majority of states (26 or more) (for any "No" answers in column (G))	Provide a recommendation for implementing a program for reciprocity for the occupation or profession that is currently licensed in Nevada, where a majority of states (26 or more) allows for reciprocity, but Nevada does not currently participate in any reciprocity program for the occupation or profession (for any "Yes" answers in column (I) combined with any "No" answers in column (J))
Hearing Aid Specialist Apprentice	NRS 637B.025 NRS 637B.055 NRS 637B.075 NRS 637B.160 NRS 637B.166 NRS 637B.175 NRS 637B.191 NRS 637B.194 NRS 637B.195 NAC 637B.0355 NAC 637B.0365 NAC 637B.037 NAC 637B.0391 NAC 637B.0392 NAC 637B.0394 NAC 637B.0396 NAC 637B.0398	\$250 Initial Application & License; \$100 Annual Renewal	No	1) High school diploma/ equivalent or higher.  2) Must obtain a Sponsor who is a licensed, qualified Dispensing Audiologist or Hearing Aid Specialist with at least 3 years of experience. The Apprentice and Sponsor must work for the same employer during the Apprentice's in-service training. An Apprentice Sponsorship & Training Agreement, signed by the applicant and the sponsor, must be submitted with the application for licensure.	Initial application and license fees are required for processing of application and license. Renewal fees support ongoing licensing & oversight.	Yes	None.	No	No	There are no interstate/international reciprocity programs available for this practitioner type. Reciprocity would not be needed or appropriate as these licensees are in training.	None.		



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 8

### Update on 2023 Legislative Session and Consideration for Board Position(s) and/or Delegation of Authority to Represent Board on Legislation as Necessary

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The 82nd (2023) Legislative Session began on February 6, 2023, and to date, almost 1,000 bills have been introduced.

Board staff are tracking approximately 60 bills that may impact the Board directly or indirectly, may involve similar Boards, and those on which the Board was tasked with completing a fiscal note.

A tracking document is attached (updated as of 4/19/2023) and will be reviewed verbally during the meeting with relevant updates. An infographic covering the legislative process is also attached.

The following session deadlines apply to all bills that are not approved for exemption:

- April 14: Committee Passage (First House)
- April 25: First House Passage
- May 19: Committee Passage (Second House)
- May 26: Second House Passage

The Board may consider action to take a position (*in support, neutral, in opposition*) and draft comments on any of the legislation presented as it deems appropriate.

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

**ATTACHMENT(S):**

1. *Legislation Tracker 4/19/2023*
2. *NV Legislative Process Infographic*



Bill	BDR	Summary	Primary Sponsor(s)	1st House Committee	1st House Passage	Fiscal Note	PAGE 83 Fiscal Impact
DIRECT IMPACT							
AB52	19-416	<b>Open Meeting Law:</b> Changes to quorum/votes during vacancy; notice requirements; use of remote technology system; notice by email.	Attorney General	4/5: Assembly Government Affairs. <b>Do pass.</b>	4/13/2023	-	-
AB140	19-63	<b>Juneteenth Holiday:</b> Makes Juneteenth a legal holiday; 6/19 or observed Friday/Monday.	Assemblywoman Thomas	3/15: Assembly Government Affairs. <b>Amend, and do pass as amended.</b>		-	-
AB198	54-446	<b>Telehealth:</b> Addresses certified registered nurse anesthetists. <del>Enacts "Uniform Telehealth Act".</del> <i>Removed in amendment.</i>	Assemblyman Orentlicher	4/14: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>		UTD	<del>Unclear if registration mandated as alternative to licensure.</del>
AB219	19-781	<b>Open Meeting Law:</b> Public comment for multi-day mtgs; read instructions verbally; <del>members attend 25% of mtgs yearly.</del> <i>Removed in amendment.</i>	Assemblywoman Considine	4/12: Assembly Government Affairs. <b>Amend, and do pass as amended.</b>		Yes	<del>Costs for members to attend at least 25% of meetings yearly in person.</del>
AB312	40-157	<b>Environmental Justice:</b> Creates Office of Minority Health & Equity; req eval of impact of proposed regs on historically underserved communities (NRS 445B.834.)	Assemblywoman Peters	4/13: Assembly Government Affairs. <b>Amend, and do pass as amended.</b>		UTD	Will impact but future rulemaking activities cannot be predicted.
SB25	28-217	<b>Office Space:</b> Implements process for long-term state office space planning.	Public Works/ Dept of Admin	4/5: Senate Government Affairs. <b>Do pass.</b>		No	No impact.
SB210	18-899	<b>Board Diversity:</b> Requires diversity in Governor's appointments; recommendations for vacancies; no reports on prelicensing determinations.	Sunset Subcommittee of Legislative Commission	4/7: Senate Government Affairs. <b>Do pass.</b>	4/17/2023	-	-
SB283	54-555	<b>Healthcare Records:</b> Requires electronic healthcare records be sent electronically on request/subpoena at no cost.	Senators Pazina & Donate	4/5: Senate Commerce & Labor. <b>Amend, and do pass as amended.</b>	4/19/2023	No	No anticipated impact to receiving health care records electronically.
SB302	54-55	<b>Licensing Decisions re: Gender-Affirming Care Sanctions:</b> Prohibits disqualification/ discipline re: gender-affirming services.	Senator Ohrenschall	4/13: Senate Commerce & Labor. <b>Amend and do pass as amended.</b>		No	No impact.
SB373	18-1034	<b>Language Access Plan:</b> Requires documents be translated/ available in 12 most common languages spoken in NV; requires reporting.	Senator Flores	4/14: Senate Government Affairs. <b>Amend and do pass as amended.</b>		No	No impact.
SB431	18-1089	<b>Office of Nevada Boards, Commissions and Councils Standards:</b> Moves Board under new office in Dept of Business & Industry, but plan not defined. (Eff 7/1/2023)	Office of the Governor	Referred to Senate Government Affairs. No hearings to date.		UTD	Unable to calculate as no operational details are provided.
AB31	19-413	<b>Juneteenth Holiday:</b> Makes Juneteenth a legal holiday in this State.	Assembly Government Affairs	<b>Failed Deadline</b>			-
AB363	54-710	<b>Pre-Licensing Determinations:</b> Addresses history & denials. Adds Contractor & PI Boards.	Assemblywoman Brittney Miller	<b>Failed Deadline</b>		No	Board has established process that may be revised as needed.
AB402	54-740	<b>Biennial Reports on Reciprocity &amp; Licensing:</b> Reports on licensing, regs, & reciprocity ( <i>see EO Report 2003-004</i> ).	Assemblyman Hafen	<b>Failed Deadline</b>		No	No impact.
SB142	38-195	<b>Homeless Persons’ Bill of Rights:</b> Provisions related to homelessness & equal treatment by agencies, etc.	Senator Harris	<b>Failed Deadline</b>		No	No impact.
SB399	54-577	<b>License by Endorsement:</b> Allows issuance of LBE without separate laws/regulations.	Senator Stone	<b>Failed Deadline</b>		No	No impact.

Bill	BDR	Summary	Primary Sponsor(s)	1st House Committee	1st House Passage	Fiscal Note	PAGE 84 Fiscal Impact
INDIRECT IMPACT - ADMINISTRATIVE							
AB276	54-831	<b>Telehealth: Defines</b> “telehealth” as communication between healthcare providers in-person & at a different location.	Assemblywoman Duran	3/31: Assembly Commerce & Labor. <b>Do pass.</b>	4/11/2023	-	-
AB423	34-847	<b>Open Meetings:</b> Revises provisions governing meetings of school boards (public bodies).	Assembly Government Affairs	4/13: Assembly Government Affairs. <b>Amend, and do pass as amended.</b>		-	-
SB131	54-44	<b>Licensing &amp; Reproductive Health/Abortion Care:</b> Prohibits disqualification/sanction for providing reproductive health/abortion care.	Senator Cannizzaro	4/5: Senate Commerce & Labor. <b>Do pass.</b>	4/19/2023	No	Board does not license reproductive healthcare providers.
SB214	18-898	<b>Board Sunsetting:</b> Provides for the termination of certain state boards and commissions.	Legislative Commission	4/3: Senate Education. <b>Do pass.</b>	4/10/2023	-	-
SJR6	C-954	<b>Annual Legislature:</b> Amends Nevada Constitution to provide for annual sessions of the Legislature.	Senator Spearman	<b>Failed Deadline</b>		UTD	Unknown demand/volume to track/monitor/engage.
RELATED - OTHER BOARDS							
AB22	54-267	<b>Contractor's Board:</b> Revises provisions relating to acting as a contractor without a license.	Contractors’ Board	3/22: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>	4/11/2023	-	-
AB23	54-266	<b>Contractor's Board:</b> Revises provisions relating to resolution of administrative citations.	Contractors’ Board	3/22: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>	4/13/2023	-	-
AB29	54-268	<b>Contractor's Board:</b> Prohibits a licensed contractor from submitting false or misleading information about an applicant for a license.	Contractors’ Board	3/22: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>	4/11/2023	-	-
AB124	54-525	<b>Board of Osteopathic Medicine:</b> Addresses renewal/Continuing Education.	Assemblywoman Hardy	3/15: Assembly Commerce & Labor. <b>Do pass.</b>	3/23/2023	-	-
AB147	54-74	<b>Dental Board:</b> Various revisions to dental practice.	Assemblywoman Marzola	3/31: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>		-	-
AB153	54-724	<b>Naprapathic Practice:</b> Establishes Naprapathic Practice Advisory Board under Medical Board to regulate practice.	Assemblywoman Marzola	4/14: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>		-	-
AB158	40-511	<b>EMS Compact:</b> Ratifies the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.	Assemblyman O'Neill	3/31: Assembly Commerce & Labor. <b>Do pass.</b>		-	-
AB206	38-563	<b>Nevada Commission for Persons Who Are Deaf and Hard of Hearing:</b> Revises membership.	Assemblywoman Brown-May	3/31: Assembly Health & Human Services. <b>Do pass.</b>	4/11/2023	-	-
AB236	54-799	<b>Psychology Board:</b> Various revisions governing the practice of psychology.	Assemblywoman Monroe-Moreno	3/22: Assembly Commerce & Labor. <b>Do pass.</b>	3/27/2023	-	-
AB270	54-714	<b>Medical &amp; Osteopathic Boards:</b> Provides for the licensure and regulation of anesthesiologist assistants.	Assemblywoman Marzola	4/12: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>		-	-
AB318	54-761	<b>Medical Board:</b> Various revisions governing the Board of Medical Examiners.	Assemblyman D. Nguyen	4/7: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>		-	-

Bill	BDR	Summary	Primary Sponsor(s)	1st House Committee	1st House Passage	Fiscal Note	PAGE 85 Fiscal Impact
AB343	54-737	<b>Occupational Therapy Board:</b> Various revisions relating to occupational therapy licensing.	Assemblyman C.H. Miller	4/5: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>		-	-
AB364	54-148	<b>Medical Board:</b> Various revises provisions governing Physician Assistants.	Assemblywoman Cohen	4/14: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>		-	-
AB386	54-111	<b>Board of Licensed Certified Professional Midwives:</b> Establishes new Board.	Assemblywoman Monroe-Moreno	4/14: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>			
AB432	54-929	<b>Optometry Board:</b> Various revisions.	Assemblyman Koenig	4/14: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>			
AB442	54-1055	<b>Board of Medical Examiners:</b> Revisions regarding complaints/felonies.	Assembly Commerce and Labor	4/14: Assembly Commerce & Labor. <b>Amend, and do pass as amended.</b>			
SB91	54-57	<b>Alcohol, Drug and Gambling Counselors Board:</b> Allows licensed clinical A/D counselor to supervise certified problem gambling counselor intern.	Senator Lange	2/22: Senate Commerce & Labor. <b>Do pass.</b>	3/2/2023		
SB97	54-402	<b>Physical Therapy Board:</b> Enacts provisions governing the <b>PT Compact</b> .	Senator Seevers Gansert	4/13: Senate Commerce & Labor. <b>Do pass.</b>	4/18/2023		
SB106	54-543	<b>Board of Dispensing Opticians:</b> Various revisions relating to ophthalmic dispensing.	Senator Seevers Gansert	4/14: Senate Commerce & Labor. <b>Amend, and do pass as amended.</b>			
SB191	38-545	<b>Applied Behavior Analysis Board:</b> Various revisions including licensing fees & Medicaid reimbursement.	Senator Seevers Gansert	4/14: Senate Health & Human Services. <b>Amend, and do pass as amended.</b>			
SB201	54-582	<b>Pharmacy Board:</b> Various revisions governing pharmacists.	Senator Stone	4/14: Senate Commerce & Labor. <b>Amend, and do pass as amended.</b>			
SB204	54-49	<b>Medical &amp; Osteopathic Boards:</b> Provides for the limited practice of medicine by certain medical school graduates.	Senator Donate	4/11: Senate Health & Human Services. <b>Amend, and do pass as amended</b>			
SB249	54-829	<b>Cosmetology Board.</b> Revises provisions relating to cosmetology.	Senator Lange	4/5: Senate Commerce & Labor. <b>Do pass.</b>	4/19/2023		
SB270	54-814	<b>Board of Massage Therapy:</b> Various revisions including <b>Compact</b> , membership/quorum, and licensing.	Senator Scheible	4/5: Senate Commerce & Labor. <b>Amend, and do pass as amended.</b>	4/19/2023		
SB310	54-601	<b>Dental Board:</b> Revises provisions relating to dental assistants & hygienists.	Senator Goicoechea	4/14: Senate Commerce & Labor. <b>Amend, and do pass as amended.</b>			
SB386	54-874	<b>Barber's Board:</b> Addresses examination retakes.	Senate Commerce and Labor	4/10: Senate Commerce & Labor. <b>Amend, and do pass as amended.</b>			
AB108	54-522	<b>Nursing Board:</b> Ratifies the Nurse Licensure Compact.	Assembly Commerce and Labor	<b>Failed Deadline</b>		-	-
AB134	54-329	<b>Pharmaceutical Sales:</b> Licensing of pharmaceutical sales representatives.	Joint Interim Committee on HHS	<b>Failed Deadline</b>		-	-

Bill	BDR	Summary	Primary Sponsor(s)	1st House Committee	1st House Passage	Fiscal Note	PAGE 86 Fiscal Impact
AB199	54-828	Chiropractic Board: Authorizing practice following head injury.	Assemblywoman Duran	Failed Deadline		-	-
SB120	54-23	Cosmetology Board: Various revisions relating to esthetic procedures.	Senator Buck	Failed Deadline		-	-
SB156	19-884	Open Meeting Law: Enacts the Model Public Meetings During Emergencies Act.	Senator Ohrenschall	Failed Deadline		-	-
SB229	54-1022	Veterinary Board: Exemptions for dental services on equines and livestock.	Senator Hansen	Failed Deadline		-	-
SB265	54-48	Barber's Board: Various revisions relating to barbering.	Senator Donate	Failed Deadline		-	-
FISCAL NOTE ONLY - NO IMPACT IDENTIFIED							
AB14	7-405	Business Licensing. Business license integration with state business portal.	Lieutenant Governor	4/12: Assembly Judiciary. Amend, and do pass as amended.		No	Board does not regulate businesses.
AB139	19-122	Ethnicity/Demographics. Add Middle Eastern/ North African to collected demographics.	Assemblywoman Miller	4/6: Assembly Government Affairs. Amend, and do pass as amended.		No	Board does not collect licensee demographic information on race/ethnicity.
AB258	19-605	Privacy Protection. May not require self-identification as non-profit donor, member, volunteer; release this info; or require disclosure of financial support.	Assemblywoman Backus	4/12: Assembly Government Affairs. Amend, and do pass as amended.		No	No impact.
AB365	18-979	Grant Funding. Distribution proportionate to % of state population in each county.	Assembly Government Affairs	Failed Deadline		No	Board does not receive grant funding.



# NEVADA'S LEGISLATIVE PROCESS

## INITIAL STEPS

### IDEA AND DRAFTING

Sources of ideas for legislation include state and local governments, elected officials, businesses, organizations and citizens. Requests for drafting may be made by Legislators, legislative committees, the Governor, constitutional officers, the Nevada Supreme Court, state agencies, local governments and certain other entities named in statute or legislation. A staff attorney for the Legislature prepares a formal draft of a bill.

## ACTION IN THE HOUSE OF ORIGIN

### INTRODUCTION AND FIRST READING

A bill is submitted for introduction by an individual Legislator or committee chair. It is then numbered, read for the first time in the legislative House of origin, referred to committee, printed and delivered to the committee.

### COMMITTEE ACTION AND REPORT

A committee may make a variety of recommendations to the entire legislative body. It may recommend that the legislative House pass a bill as it is written or pass it with amendments. If a committee decides that a bill requires further committee consideration, it may recommend that the legislative House rerefer the bill to another committee with or without amendments. Alternately, a committee may vote to indefinitely postpone consideration of a bill, or may take no action at all, effectively killing it. After committee reports are read on the floor of the legislative House, bills are placed on second reading for the next legislative day unless the committee recommends the bill be placed on the Consent Calendar. This action is limited to certain noncontroversial bills reported out of committee without amendment.

### SECOND READING

A bill given a "Do Pass" recommendation is read a second time and placed on General File for debate and a final vote. A bill given an "Amend and Do Pass" recommendation is read a second time, and the proposed amendment is presented to the body. If the amendment is adopted, the bill is reprinted before being placed on General File for action.

### FLOOR DEBATE AND VOTE

The bill is read a third time and debated. A roll call vote follows. For passage of measures that require a constitutional majority, 11 votes are needed in the Senate and 22 in the Assembly. Bills with tax or fee increases require a two-thirds majority (14 votes in the Senate and 28 in the Assembly). A measure that does not receive at least the required number of votes is defeated. After the vote, a Legislator may make a motion to reconsider the action, pursuant to rules adopted by each House. All bills that are passed by the first legislative House are forwarded to the second legislative House, where the process begins again.

## ACTION IN THE SECOND HOUSE

### FIRST READING

The bill is read for the first time on the floor of the second House and referred to committee.

### FLOOR DEBATE AND VOTE

The procedure is the same as that in the first legislative House. If the second legislative House considers and passes a bill without amendment, it is returned to the first legislative House for enrollment and transmittal to the Governor. (Resolutions are delivered to the Secretary of State.) If the second legislative House amends a measure, it is returned to the House of origin for consideration of the amendment.

### COMMITTEE ACTION AND SECOND READING

Procedures and possible actions are nearly identical to those in the first legislative House.

## RESOLUTION OF DIFFERENCES (IF NECESSARY)

### CONCURRENCE

The House of origin decides whether to accept the second legislative House's amendment. If it concurs with the amendment, the bill is enrolled and delivered to the Governor. If the amendment is rejected by the House of origin, the bill is returned to the second legislative House for a decision on whether to withdraw (recede from) the proposed changes. If the second legislative House does not recede from its amendment, a conference committee is appointed, and the bill is returned to the House of origin with a request that it appoint a like committee to meet with a committee of the second House.

### CONFERENCE AND REPORT

If the two-House conference committee is able to resolve the differences between the Houses, it sends a conference committee report with the proposed reconciliation to the two Houses. If both legislative Houses adopt the report, the bill is enrolled and delivered to the Governor. The bill fails if the members of the conference committee do not reach agreement or if a conference report is not adopted by both Houses.

## ROLE OF THE GOVERNOR

### GOVERNOR ACTION

The Governor must act on a bill within five days after it is received (Sundays excepted) if the Legislature is still in session. However, if there are fewer than five days remaining in session, or if the bill is delivered after adjournment *sine die*, the Governor has ten days after adjournment (Sundays excepted) to act. The Governor may sign the bill into law, allow it to become law without a signature or veto it. A vetoed bill is returned to the House of origin to consider overriding the veto. An override of the veto requires a two-thirds majority vote of each legislative House. If the Governor vetoes a bill after the session adjourns *sine die*, the bill is returned to the next regular legislative session. Measures become effective on October 1 following the end of the legislative session, unless otherwise specified in the bill.



State of Nevada

Speech-Language Pathology, Audiology &amp; Hearing Aid Dispensing Board

## AGENDA ITEM 9

### Work Session on Future Legislative (NRS) Efforts (*Standing Agenda Item*):

	Overview	NRS Section(s)	Status	Update
<b>a. SLP Assistants</b>	Add new licensing type for SLP Assistants	New	Under discussion	No updates. NDE regulation changes to sunset bachelor's level staff are on hold per Governor's Executive Order.
<b>Action:</b> Take action, table the matter, or take no action on the request. <b>Attachment(s):</b> None.				
<b>b. Audiology Assistants</b>	Add new licensing type for Audiology Assistants	New	Under discussion	See prior agenda items. Previously proposed NAC revision work on hold per Governor's Executive Orders.
<b>Action:</b> Take action, table the matter, or take no action on the request. <b>Attachment(s):</b> None.				
<b>c. Cerumen Management</b>	Add/allow cerumen management by HAS to Scope of Practice	NRS 637B.045; NRS 637B.055	Approved (July 2022) to pursue BDR.	No updates. Drafted language is pending.
<b>Action:</b> Take action, table the matter, or take no action on the request. <b>Attachment(s):</b> None.				
<b>d. NBC-HIS Certification for HAS License</b>	Remove NBC-HIS certification requirement for HAS Standard license.	NRS 637B.193(2) & NRS 637B.201	Approved(July 2022) to pursue BDR & drafted language approved.	No updates. Drafted language is ready for inclusion in future BDR.
<b>Action:</b> Take action, table the matter, or take no action on the request. <b>Attachment(s):</b> None.				
<b>e. Telehealth &amp; Telesupervision</b>	Address/allow telesupervision by AUD/SLP.	New	Under discussion	No updates. Recommend considering in context of SLP Assistants.
<b>Action:</b> Take action, table the matter, or take no action on the request. <b>Attachment(s):</b> None.				





State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 10

### New Board Policy 08 - Language Access Plan: Review, Public Comment, and Proposed Approval in Accordance with NRS 232.0081

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NRS 232.0081, established by Senate Bill 318 of the 2021 Nevada Legislative Session, requires all state agencies to create a Language Access Plan (LAP) to improve access to government services, programs, and information for Nevadans with Limited English Proficiency (LEP).

The Plan requires initial development and biennial review and revision, to include public comment, and must include:

- The needs of persons served by the agency for language services;
- The degree to which the agency has met those needs; and
- Recommendations to expand language services, if needed, to improve access to the services provided by the agency.

A draft Language Access Plan has been developed to integrate into the Board Policy manual and is attached for review and feedback, public comment, and possible approval.

Notably, a follow-up to SB318 is currently before the Legislature (SB373) to add further requirements to the current NRS.

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

**ATTACHMENT(S):**

1. Policy 08 – Language Access Plan DRAFT 4 26 2023

**State of Nevada****Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board****Policy 08****Language Access Plan****V1: Initiated April 2023****Background**

Senate Bill 318 of the 81<sup>st</sup> (2021) Session of the Nevada Legislature established NRS 232.0081, requiring each agency of the Executive Department to develop and biennially revise a Language Access Plan that addresses access to language services provided to persons served by the Board, specifically those with limited English proficiency (LEP).

**Purpose**

The purpose of this policy is to ensure the Board appropriately meets the language access needs of persons served and takes action to improve language access in areas deemed deficient.

**Policy**

Per NRS 232.0018, it is Board policy to evaluate the quality of access to language services provided to persons served by the Board, specifically those with limited English proficiency (LEP), including but not limited to the following:

- The needs of persons served by the agency for language services;
- The degree to which the agency has met those needs; and
- Recommendations to expand language services, if needed, to improve access to the services provided by the agency.

**Appointment of Language Access Coordinator**

Per NRS 232.0018(1) the Board has delegated to the Executive Director the responsibility to develop and biennially revise the Language Access Plan which will be reviewed and approved by the Board, with the inclusion of public comments received on the Plan.

Executive Director  
[board@nvspeechhearing.org](mailto:board@nvspeechhearing.org) (775) 787-3421  
6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

**Definitions**

The following terms may be used in this Plan pursuant to NRS 232.0081:

- ***“Dual-role interpreter”*** means a multilingual employee who has been tested for language skills and trained as an interpreter; and engages in interpreting as part of his or her job duties.
- ***“Language services”*** means oral language services and translation services.
- ***“Oral language services”*** means services to convey verbal information to persons with limited English proficiency. This includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters. This term does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

- ***“Person with limited English proficiency”*** means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable, based on the manner in which information is being communicated.
- ***“Translation services”*** means services used to provide written information to persons with limited English proficiency. The term does not include translation tools that are accessed using the Internet.

## Procedure

### A. Compliance With Laws Regarding Funding and Availability of Language Services

The Board is funded solely by licensing and other fees collected from applicants, licensees, and those wishing to purchase mailing lists. The Board does not receive federal or state funds and is nevertheless committed to ensuring accessibility for persons with limited English proficiency.

### B. Relevant Demographics of Persons Served

The Board ensures the health, safety, and welfare of the public through licensure of qualified practitioners, providing three primary functions: licensing practitioners, enforcing laws and regulations relating to the professions, and enacting regulations. The Board does not provide services to the public in the same manner as many other state agencies. As such, the primary demographic of persons served by the Board are prospective, current, and former licensees. Members of the public also engage with the Board, but to a significantly lesser degree when seeking information about licensees, filing or testifying on complaint cases, reporting unlicensed practice, providing feedback on law and regulation changes, or giving public comment in Board and Advisory Committee meetings and hearings.

The Board does not often serve or receive requests from persons with limited English proficiency and has no current data on numbers or percentages of such persons who are indigenous and/or refugees.

#### 1) Applicants/Licensees

The Board licenses qualified Speech-Language Pathologists, Audiologists, and Hearing Aid Specialists residing and practicing in Nevada, or residing elsewhere but treating patients located in Nevada. Applicants seeking licensure must hold, at minimum, a high school diploma or equivalent, though the majority of Board licensees hold advanced degrees and nationally recognized, professional certifications that require a level of literacy and English proficiency not requiring the language access services described here. A person interested in future licensure may also petition the Board for a determination of whether their criminal history will disqualify them from obtaining a license. The Board has no history of requests from prospective, current, or former licensees who have identified as having limited English proficiency.

#### 2) Members of the Public

Any person may file a complaint against a Board licensee or submit a report of a person engaging in the unlicensed practice of speech-language pathology, audiology, or hearing aid dispensing. As part of a complaint case, a patient or other person related to the case who has limited English proficiency may be interviewed or asked to testify in a public hearing. The Board also provides an online “license lookup” service where anyone may search the Board’s public license records to determine a person’s license status. Finally, members of the public may provide public comment during a public meeting, workshop, or hearing held by the Board or its Advisory Committee on Fitting and Dispensing Hearing Aids.

### C. Inventory of Language Services Currently Provided

#### 1) Designation of Vital Documents

The following Board documents are designated as “vital” documents which may be provided upon request to persons with limited English proficiency in their preferred language:

Information/Document	Related Service/Information
Initial Application & Instructions	Licensing
License Renewal Application & Instructions	Licensing
License Reinstatement Application & Instructions	Licensing
License Lookup	Licensing
Board Licensee Complaint Form & Instructions	Complaints
Unlicensed Practice Report Form & Instructions	Unlicensed Practice

#### 2) Oral Language Services

Oral language services are not immediately available within the Board office. Upon request or identification of need, these services will be made available through a statewide contract vendor managed by the State of Nevada’s Purchasing Division. Board staff will never request assistance from family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

#### 3) Employees Fluent In More Than One Language

The Board has a very small staff of three (3) individuals who may have contact with the public: a full-time Executive Director, a part-time Licensing Coordinator, and an Investigator employed on a limited, hourly/as-needed basis. None of the Board’s current employees are fluent in any language other than English.

#### 4) Dual-Role Interpreter Staff

The Board does not have a staff position designated as a dual-role interpreter.

#### 5) Resources and Procedures for Outreach to Persons With Limited English Proficiency

The Board does not provide traditional services to the public that would rely on outreach and building relationships with community-based organizations that serve persons with limited English proficiency.

#### 6) Cultural Competency Resources for Employees

The Board’s Language Access Coordinator will provide cultural competency resources to Board staff.

### D. Employee Training and Resources

#### 1) Obtaining Language Services Internally or From a Contractor

Language access services are not available internally due to limited Board staff. Staff may obtain language services for a person with limited English from a vendor established on the statewide contract managed by the State of Nevada’s Purchasing Division.

#### 2) Responding to Persons with Limited English Proficiency via Phone, in Writing, or In-Person

Board staff tasked with responding to persons with limited English proficiency over the telephone, in writing or in person will attempt to ascertain the person’s preferred language and access oral language services through a statewide contract vendor to assist as described above. Board staff will never request assistance from family members, friends and other

acquaintances of persons with limited English proficiency who have no formal training in interpreting.

**3) Ensuring the Competency of Interpreters and Translation Services**

The State of Nevada Department of Administration, Purchasing Division manages statewide contracts with vendors providing on-site spoken and sign language interpretation, document translation and other related services. The Board can ensure the competency of these vendors through the Purchasing Division's contracting process.

**4) Demographic Recordkeeping**

Board staff may document an applicant or licensee's limited English proficiency status, preferred language, literacy level in English, and/or preferred language in the "Comments" field of the electronic license record. Electronic records are not kept for members of the public who file complaints, report unlicensed practice, or provide public comment, but if known, this information will be recorded in the appropriate file or document.

**5) Communicating Language Access Needs**

Board staff will notify the Board's Language Access Coordinator when additional language access needs of persons served are identified.

**6) Notification of Available Services**

Upon request or identification of a person with limited English proficiency, the Board will notify them of the services available from the Board in their preferred language, literacy level, or format.

**E. Availability of Emergency Language Services**

The Board will make emergency language services available through a vendor established on the statewide contract managed by the State of Nevada's Purchasing Division. Board staff will never request assistance from family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

**F. Areas Identified Above Not Meeting Language Access Needs**

**1) Estimated Additional Funding Required**

It is difficult to calculate the need for additional resources as the Board has not historically served persons with limited English proficiency, and if provided, would occur on a case-by-case basis. Additional expenses may include, but are not limited to interpreter services, document translation, and website accommodations as needed.

**2) Targets for Employing Persons Who Are Fluent In More Than One Language**

The Board's budget is limited, and the volume of work does not support additional staff at this time. When filling future vacancies, the Board may consider its need for staff who are fluent in more than one language.

**3) Credentialing and Variety of Oral Language Services**

Oral language services will only be provided by vendors included in the State of Nevada's statewide contract, ensuring appropriate credentialing, oversight, and availability of needed services.

**4) Additional Opportunities to Employ or Contract With Interpreters**

The Board will utilize oral language services provided by vendors included in the State of Nevada's statewide contract and will not need to seek out additional vendors.

**G. Plan Development and Recommendations****1) Public Comment**

Public comment on the development of this plan was solicited at the Board's meeting of April 26, 2023. XXXXXX public comment was received.

**2) Recommendations for Statutory Changes**

The Board has no statutory recommendations at this time.

**3) Additional Funding Needs**

The Board is self-funded and relies solely on licensing and other fees collected. The Board may encumber funds in future budgets to cover costs associated with carrying out this plan, including but not limited to interpreter services, document translation, and website accommodations as needed.





State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 11

### Executive Director's Report

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Please see the Written Executive Director's Report.

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

**ATTACHMENT(S):**

1. *ED Report 4 26 2023*
2. *FY23 Q3 Financial Reports*



State of Nevada

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

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

(775) 787-3421 / Fax (775) 746-4105

[www.nvspeechhearing.org](http://www.nvspeechhearing.org) Email [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org)**EXECUTIVE DIRECTOR'S REPORT**

April 26, 2023

**a. Licensure Statistics**

The following chart provides licensing statistics for the period January 1, 2023 through March 31, 2023 with a net decrease of 10 licenses (52 issued/62 expired), a 1% decrease from the prior quarter. This decline is commensurate with prior years' 3<sup>rd</sup> quarters, as historically at least one-half of our licenses expire on December 31<sup>st</sup>, but due to the late renewal option, they are not counted as expired in the 2<sup>nd</sup> quarter. The licensee census has decreased between December 31<sup>st</sup> and March 31<sup>st</sup> in every fiscal year since FY16 except one (FY21). Notably, only 38% of the Board's licenses expire on 12/31, resulting in a evened distribution of renewal activity and revenue throughout the year.

Last quarter we noted that HAS Apprentice licenses had decreased by 4; this quarter they have increased by 2. There was also significant turnover in SLP licensees, with almost 50 licenses expiring. Of these, 25 predated the iteration of this Board, with several issued in the 1980s and 1990s, reflecting a retiring workforce.

Description	Total Licensees	Speech Pathologists	Audiologists	Dispensing Audiologists	Hearing Aid Specialists	Apprentices
<b>Dec 31, 2022</b>	<b>1514</b>	<b>1245</b>	<b>65</b>	<b>106</b>	<b>83</b>	<b>15</b>
Issued	52	37	7	5	1	2
Expired	62	49	5	5	3	0
<b>Mar 31, 2023</b>	<b>1504</b>	<b>1233</b>	<b>67</b>	<b>106</b>	<b>81</b>	<b>17</b>
Net Change	-10	-12	+2	-	-2	+2
	-1%	-1%	+3%	0%	-2%	+13%

Type	TOTAL	SLP	AUD	AUD-D	HAS	HAS-A
	<b>52</b>	<b>37</b>	<b>7</b>	<b>5</b>	<b>1</b>	<b>2</b>
<b>Nevada</b>	<b>22</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>2</b>
	42%	38%	43%	60%	0%	100%
Clark	15 / 68%	11 / 79%	1 / 33%	3 / 100%	-	0
Washoe	7 / 32%	3 / 21%	1 / 33%	0 / 0%	-	2 / 100%
<b>Out of State</b>	<b>28</b>	<b>23</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>0</b>
	56%	62%	57%	40%	100%	0%
	<sup>1</sup> See below	<sup>2</sup> See below	AK, CA, MN, OK	TN, UT	CA	-
<b>Military</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
	2%	0%	0%	0%	0%	0%
<b>License by Endorsement</b>	<b>27</b>	<b>22</b>	<b>5</b>	N/A	N/A	N/A
	52%	51%	50%			
<sup>1</sup> TOTAL: AK (1); AZ (2); CA (8); CO (1); FL (1); GA (1); IL (1); LA (1); MN (1); NJ (1); NM (2); OH (1); OK(1); OR (1); PA (3); TN (1); UT (1); VA (1); WI (1)						
<sup>2</sup> SLP: AZ (2); CA (6); CO (1); FL (1); GA (1); IL (1); LA (1); NJ (1); NM (2); OH (1); OR (1); PA (3); VA (1); WI (1)						

**b. FY23 Q3 Financial Report**

The FY23 Q3 Financial Summary is attached for the Board's review, with income higher than budgeted (79.6% of budget) and expenses lower than expected (72.7% of budget). **Reserves (equity) now total \$117,772.52 which is additional savings of \$438.20 since the end of last quarter.**

**Profit and Loss Through Q3**

- Total Revenue: \$147,427.10      Percent of Budget: 79.60%
- Deferred Revenue: \$87,197.12
- Total Expenses: \$133,654.58      Percent of Budget: 72.70%
- **Net Income: \$13,772.52**

**FY23 Q3 Balance Sheet**

- Total Cash Assets: \$214,197.48
- Total Liabilities: \$100,959.83
- **Total Equity: \$117,772.52** (Increase of \$438.20 from FY23 Q2; \$23,599.41 from FY22 Q2)

**FY23 Q3 Deviations from Budget**

There were no major deviations from the budget during this quarter.

**c. Board Member Appointments/Reappointments**

Name	Credential/Role	Location	Term	Term Expires	Eligible for Reappointment
Tami Brancamp	SLP/Board Chair	Reno	1	7/1/2023	No
Andrea Menicucci	SLP/Board Vice Chair	Reno	2	7/1/2024	Yes
Lynee Anderson	BC-HIS/Board Member	Reno	2	7/1/2024	Yes
Minnie Foxx	Public Member	Las Vegas	1	7/1/2023	Yes
Michael Hodes	AuD/Board Member	Reno	2	7/1/2023	No
Timothy Hunsaker	AuD/Board Member	Las Vegas	2	7/1/2025	No
Adrienne Williams	SLP/Board Member	Las Vegas	1	7/1/2025	Yes

The Board is fully staffed through July 2023 when both Tami Brancamp and Michael Hodes' terms will expire, and neither are eligible for reappointment. Minnie Foxx's first term will also expire in July 2023 and she has applied for and is awaiting reappointment.

A recruitment email went out to all licensees on January 26, 2023 and the vacancy has been posted on the Board website. A few inquiries have been received and it is hoped that both seats will be filled with no lapse in membership.

The Board's July 2023 meeting agenda will include the following:

- Election of a new Board Chair and Vice-Chair based on nominations made by Board Members;
- Appointments of Bank Signatories & Financial Reviewers;
- Appointment of a Dispensing Audiologist to the Advisory Committee on Fitting and Dispensing Hearing Aids.
- Appointment/reappointment of non-Board members to the Advisory Committee on Fitting and Dispensing Hearing Aids.

At its next meeting following these appointments, the Advisory Committee on Fitting and Dispensing Hearing Aids will also be tasked with electing a new Committee Chair from its appointed Board members.

**d. Complaints**

There were **four** open complaint cases following the January 25, 2023 Board Meeting. **Two** new complaints were received in February 2023, resulting in **six** open cases at this time. The Board also received **two** reports of unlicensed practice this past quarter, one of which was heard by the Board earlier in this meeting.

**Profit Loss Budget vs. Actual**  
**July 2022 through March 2023**

	Revised Budget	Actuals July 22 - Mar 23	Remaining Balance	% of Budget Spent
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Fees	29,000.00	24,150.00	4,850.00	83.28%
License Fees	148,650.00	117,189.46	31,460.54	78.84%
Exams, List and Interest	7,550.00	6,087.64	1,462.36	80.63%
<b>Total Income</b>	<b>185,200.00</b>	<b>147,427.10</b>	<b>37,772.90</b>	<b>79.60%</b>
<b>Expense</b>				
Personnel Cost	144,913.00	107,694.58	37,218.42	74.32%
Attorney General / Legal Fees	8,000.00	4,750.39	3,249.61	59.38%
Audit Fees	0.00	0.00	0.00	0.00%
Bank Service Charges	4,500.00	3,664.73	835.27	81.44%
Board Compensation	2,700.00	1,800.00	900.00	66.67%
Dues	700.00	212.50	487.50	30.36%
Equipment Purchase	200.00	0.00	200.00	0.00%
Examinations	3,630.00	2,017.64	1,612.36	55.58%
Insurance	1,350.00	600.00	750.00	44.44%
Licensing Program Subscription	7,650.00	6,743.12	906.88	88.15%
Meeting Expenses	100.00	0.00	100.00	0.00%
Office Lease	3,360.00	2,138.73	1,221.27	63.65%
Office Supplies	850.00	195.44	654.56	22.99%
Postage	400.00	211.44	188.56	52.86%
Printing	200.00	0.00	200.00	0.00%
<b>Professional Fees</b>				
Investigation Fees	1,000.00	1,000.00	0.00	100.00%
Accounting	3,000.00	2,250.00	750.00	75.00%
IT / Technical Support	500.00	0.00	500.00	0.00%
<b>Total Professional Fees</b>	<b>4,500.00</b>	<b>3,250.00</b>	<b>1,250.00</b>	<b>72.22%</b>
Telephone	600.00	376.01	223.99	62.67%
<b>Travel</b>				
In-state Travel	200.00	0.00	200.00	0.00%
Out of State Travel	0.00	0.00	0.00	0.00%
<b>Total Travel</b>	<b>200.00</b>	<b>0.00</b>	<b>200.00</b>	<b>0.00%</b>
<b>Total Expense</b>	<b>183,853.00</b>	<b>133,654.58</b>	<b>50,198.42</b>	<b>72.70%</b>
<b>Net Ordinary Income</b>	<b>1,347.00</b>	<b>13,772.52</b>	<b>-12,425.52</b>	<b>1022.46%</b>
<b>Net Income</b>	<b>1,347.00</b>	<b>13,772.52</b>	<b>-12,425.52</b>	<b>1022.46%</b>

**Balance Sheet**  
**As of March 31, 2023**

**Mar 31, 2023**

**ASSETS****Current Assets****Checking/Savings**

Wells Fargo Bank - Checking 111,293.29

Wells Fargo Bank - Savings 102,904.19

**Total Checking/Savings 214,197.48**

**Other Current Assets**

Accounts Receivable 0.00

Prepaid Expenses 5,714.68

**Total Other Current Assets 219,912.16**

**Fixed Assets**

Capital Assets 1,335.99

**Total Fixed Assets 1,335.99**

**TOTAL ASSETS 221,248.15**

**LIABILITIES & EQUITY****Liabilities****Current Liabilities****Accounts Payable**

Accounts Payable 0.00

**Total Accounts Payable 0.00**

**Other Current Liabilities**

Deferred Revenue 87,197.12

Paid Time Off 14,093.39

Payroll Liabilities 2,402.22

Payroll Tax Liability 182.57

**Total Other Current Liabilities 103,875.30**

**Total Current Liabilities 103,875.30**

**Total Liabilities 103,875.30**

**Equity**

Invested in Capital Assets 1,335.99

Retained Earnings 102,264.34

Net Income 13,772.52

**Total Equity 117,372.85**

**TOTAL LIABILITIES & EQUITY 221,248.15**



**BEASP**  
**Transaction Detail by Account**  
January through March 2023

PAGE 100

Type	Date	Num	Name	Memo	Amount
<b>Wells Fargo Bank - Checking</b>					
Deposit	01/01/2023			Deposit	875.00
Deposit	01/02/2023			Deposit	475.00
Deposit	01/03/2023			Deposit	1,175.00
Check	01/03/2023	1781	State of Nevada IT	Long distance	-6.12
Check	01/03/2023	1782	Board of Occupational Therapy	Postage	-34.79
Check	01/03/2023	1780	Numbers, Inc.	Bookkeeping services	-750.00
Check	01/03/2023	1783	Ewa McLean	License Fee	-100.00
Liability Check	01/04/2023		QuickBooks Payroll Service	Payroll expense	-3,835.39
Deposit	01/04/2023			Deposit	425.00
Paycheck	01/05/2023	DD1248	Jennifer Pierce	Direct Deposit	0.00
Paycheck	01/05/2023	DD1249	Stacey Whittaker	Direct Deposit	0.00
Deposit	01/05/2023			Deposit	650.00
Check	01/05/2023		Voya	Payroll expense	-363.93
Deposit	01/06/2023			Deposit	150.00
Deposit	01/07/2023			Deposit	175.00
Deposit	01/09/2023			Deposit	500.00
Check	01/09/2023		AT&T	Telephone expense	-25.25
Deposit	01/10/2023			Deposit	325.00
Deposit	01/12/2023			Deposit	250.00
Check	01/12/2023			Merchant fees	-811.61
Deposit	01/13/2023			Deposit	500.00
Deposit	01/14/2023			Deposit	125.00
Deposit	01/15/2023			Deposit	350.00
Deposit	01/16/2023			Deposit	275.00
Liability Check	01/17/2023	E-pay	US Treasury	Payroll expense	-2,628.20
Liability Check	01/18/2023		QuickBooks Payroll Service	Payroll expense	-3,835.41
Deposit	01/18/2023			Deposit	550.00
Paycheck	01/19/2023	DD1251	Stacey Whittaker	Direct Deposit	0.00
Paycheck	01/19/2023	DD1250	Jennifer Pierce	Direct Deposit	0.00
Deposit	01/19/2023			Deposit	125.00
Check	01/19/2023		Voya	Payroll expense	-363.93
Check	01/19/2023		Lynee Anderson V	Board compensation	-75.00
Deposit	01/20/2023			Deposit	325.00
Deposit	01/21/2023			Deposit	125.00
Deposit	01/22/2023			Deposit	125.00
Deposit	01/25/2023			Deposit	125.00
Check	01/25/2023		Wells Fargo	Postage	-55.68
Deposit	01/26/2023			Deposit	1,100.00
Check	01/26/2023	1784	Michael Hodes	Board compensation	-150.00
Check	01/26/2023		Lynee Anderson V	Board compensation	-75.00
Check	01/26/2023		Tami Brancamp	Board compensation	-75.00
Check	01/26/2023		Minnie Foxx	Board compensation	-75.00
Check	01/26/2023		Tim Hunsaker	Board compensation	-75.00
Check	01/26/2023		Andrea Menicucci V	Board compensation	-75.00

**BEASP**  
**Transaction Detail by Account**  
**January through March 2023**

**PAGE 101**

Check	01/26/2023	Adrienne Williams V	Board compensation	-75.00
Deposit	01/27/2023		Deposit	125.00
Deposit	01/29/2023		Deposit	100.00
Deposit	01/30/2023		Deposit	675.00
Check	01/30/2023 1785	State of Nevada IT	Long distance	-2.44
Check	01/30/2023 1786	Rebecca Bailey-Torres	Consultant Fees	-1,000.00
Deposit	01/30/2023		Deposit	250.00
Deposit	01/31/2023		Deposit	575.00
Deposit	01/31/2023		Interest	10.74
Liability Check	02/01/2023	QuickBooks Payroll Service	Payroll expense	-3,835.38
Deposit	02/01/2023		Deposit	1,100.00
Paycheck	02/02/2023 DD1252	Jennifer Pierce	Direct Deposit	0.00
Paycheck	02/02/2023 DD1253	Stacey Whittaker	Direct Deposit	0.00
Deposit	02/02/2023		Deposit	125.00
Deposit	02/03/2023		Deposit	1,000.00
Deposit	02/04/2023		Deposit	200.00
Deposit	02/05/2023		Deposit	100.00
Check	02/06/2023	Tim Hunsaker	Exam proctor	-100.00
Deposit	02/06/2023		Deposit	400.00
Deposit	02/07/2023		Deposit	100.00
Check	02/08/2023	AT&T	Telephone expense	-24.74
Check	02/08/2023	Nevada Retail Network	Worker's comp insurance	-600.00
Deposit	02/09/2023		Deposit	500.00
Check	02/10/2023		Merchant fees	-259.26
Deposit	02/10/2023		Deposit	375.00
Deposit	02/13/2023		Deposit	100.00
Deposit	02/14/2023		Deposit	925.00
Liability Check	02/15/2023	QuickBooks Payroll Service	Payroll expense	-3,835.40
Deposit	02/15/2023		Deposit	250.00
Paycheck	02/16/2023 DD1254	Jennifer Pierce	Direct Deposit	0.00
Paycheck	02/16/2023 DD1255	Stacey Whittaker	Direct Deposit	0.00
Check	02/16/2023	Voya	Payroll expense	-363.93
Deposit	02/16/2023		Deposit	100.00
Liability Check	02/17/2023 E-pay	US Treasury	Payroll expense	-2,628.24
Deposit	02/17/2023		Deposit	425.00
Deposit	02/18/2023		Deposit	100.00
Deposit	02/20/2023		Deposit	450.00
Check	02/21/2023	Melissa Maestas	Examination fees	-100.00
Deposit	02/21/2023		Deposit	50.00
Deposit	02/22/2023		Deposit	500.00
Deposit	02/23/2023		Deposit	325.00
Deposit	02/24/2023		Deposit	100.00
Deposit	02/25/2023		Deposit	250.00
Check	02/27/2023	Tim Hunsaker	Exam proctor	-100.00
Deposit	02/27/2023		Deposit	550.00
Check	02/28/2023	Voya	Payroll expense	-363.93

**BEASP**  
**Transaction Detail by Account**  
**January through March 2023**

**PAGE 102**

Deposit	02/28/2023		Deposit	800.00
Deposit	02/28/2023		Interest	9.33
Liability Check	03/01/2023	QuickBooks Payroll Service	Payroll expense	-3,835.39
Check	03/01/2023	QuickBooks Payroll Service	Payroll expense	-1.75
Deposit	03/01/2023		Deposit	400.00
Paycheck	03/02/2023	DD1256 Jennifer Pierce	Direct Deposit	0.00
Paycheck	03/02/2023	DD1257 Stacey Whittaker	Direct Deposit	0.00
Check	03/02/2023	ACH Nancy Campbell V	Direct Deposit	-100.00
Deposit	03/02/2023		Deposit	900.00
Check	03/02/2023	Voya	Payroll expense	-363.93
Deposit	03/04/2023		Deposit	225.00
Deposit	03/05/2023		Deposit	200.00
Deposit	03/06/2023		Deposit	1,250.00
Deposit	03/07/2023		Deposit	600.00
Check	03/07/2023	AT&T	Telephone expense	-24.74
Deposit	03/08/2023		Deposit	250.00
Check	03/08/2023	1787 State of NV Information Technolo	Long distance	-1.63
Deposit	03/09/2023		Deposit	250.00
Deposit	03/10/2023		Deposit	250.00
Check	03/10/2023		Merchant fees	-213.52
Deposit	03/11/2023		Deposit	100.00
Deposit	03/13/2023		Deposit	200.00
Liability Check	03/15/2023	QuickBooks Payroll Service	Payroll expense	-3,835.40
Deposit	03/15/2023		Deposit	450.00
Paycheck	03/16/2023	DD1258 Jennifer Pierce	Direct Deposit	0.00
Paycheck	03/16/2023	DD1259 Stacey Whittaker	Direct Deposit	0.00
Deposit	03/16/2023		Deposit	200.00
Check	03/16/2023	Voya	Payroll expense	-363.93
Check	03/16/2023	1788 Nevada State Controller	Admin fine pass-through	-300.00
Deposit	03/17/2023		Deposit	550.00
Deposit	03/19/2023		Deposit	450.00
Deposit	03/20/2023		Deposit	100.00
Deposit	03/21/2023		Deposit	250.00
Deposit	03/22/2023		Deposit	250.00
Deposit	03/23/2023		Deposit	50.00
Check	03/23/2023	1789 Attorney General	Legal fees	-2,700.10
Deposit	03/24/2023		Deposit	200.00
Deposit	03/24/2023		Deposit	25.00
Deposit	03/25/2023		Deposit	325.00
Deposit	03/27/2023		Deposit	450.00
Deposit	03/28/2023		Deposit	475.00
Check	03/28/2023	Wells Fargo	Office supplies, postage	-83.13
Liability Check	03/29/2023	QuickBooks Payroll Service	Payroll expense	-3,835.39
Deposit	03/29/2023		Deposit	650.00
Check	03/29/2023	1790 Michael Hodes	Examination fees	-100.00
Paycheck	03/30/2023	DD1261 Stacey Whittaker	Direct Deposit	0.00

**BEASP**  
**Transaction Detail by Account**  
**January through March 2023**

**PAGE 103**

Paycheck	03/30/2023	DD1260	Jennifer Pierce	Direct Deposit	0.00
Liability Check	03/30/2023		US Treasury	Payroll expense	-3,942.34
Deposit	03/30/2023			Deposit	250.00
Check	03/30/2023		Voya	Payroll expense	-363.93
Deposit	03/31/2023			Deposit	350.00
Deposit	03/31/2023			interest	10.12
					<hr/>
Total Wells Fargo Bank - Checking					-17,808.62



State of Nevada

Speech-Language Pathology, Audiology &amp; Hearing Aid Dispensing Board

## AGENDA ITEM 12

### Review and Approval of Draft FY24 Budget and Approval to Solicit and Develop Service Contracts for Financial Audit Services and Dispensing Examinations

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#### Draft FY24 Budget

A proposed revised FY24 budget is presented for the Board's consideration and will be reviewed/explained during the meeting.

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

**ATTACHMENT(S):**

1. Revised/Proposed FY24 Budget

#### Approval to Solicit Service Contracts

a. Financial Audit Services

[NRS 218G.400](#) requires the Board to be audited annually or biennially by a certified public accountant or public accountant, or alternative submission of a balance sheet if revenue from all sources is less than \$200,000 for any fiscal year. The Board's revenue for FY22 was 193,599.87 and it is anticipated that FY23 will exceed \$200,000. As the final amount will not be known until July 2023, and the audit would be due by December 1, it is recommended the Board seek a provider for audit services, and per state contract rules, hiring an accountant to perform an audit does not require a competitive solicitation.

It is proposed that the Board take action to delegate authority to the Executive Director to select a vendor and initiate a contract for final review and approval by the Board at its July 2023 meeting.

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

**ATTACHMENT(S):** None.

b. International Hearing Society Practical Examinations

The Board has a current agreement with IHS that will expire on October 31, 2023. IHS is currently revising its procedures for authorizing and administering the written ILE examination and has revised the content of the practical examination with proposed rate increase for exam material. IHS has indicated that it could consider a graduated increase in practical exam costs given the Board's current fee position and suspension of regulation changes due to the Governor's Executive Orders.

It is proposed that the Board take action to delegate authority to the Executive Director to work with IHS to develop new contract terms through the state contracting process, which will require submission of a solicitation waiver, with presentation of the contract for final review and approval by the Board at its July 2023 meeting.

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

**ATTACHMENT(S):**

1. IHS Nevada Exams Agreement 11 1 2018



**State of Nevada**  
**Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board**  
**DRAFT PROPOSED FOR REVIEW 4/26/2023**

REVENUE			
<b>Fees</b>	New apps; late renewals	\$ 35,191.62	Increase of 13% based on average FY20 - FY22.
<b>License Fees</b>	New; renewals; reinstate; conversions	\$ 159,044.14	Increase of 6% based on average FY20 - FY22.
<b>Exams, List, Interest</b>	Exams; lists; verifications; interest	\$ 9,435.51	Increase of 7% based on average FY20 - FY22.
<b>Total Revenue</b>		<b>\$ 203,671.27</b>	Increase of 7% based on average FY20 - FY22.

EXPENSES			Expense Narrative
<b>Personnel/Payroll</b>		\$ 144,806.38	
	Executive Director	\$ 90,190.10	
	Licensing Coordinator	\$ 34,725.60	
	Investigator	\$ 2,000.00	Hourly at \$30/hour not to exceed \$2,000.
	Payroll Taxes	\$ 9,585.00	
	Deferred Comp	\$ 8,162.18	ED Salary @ 9.05%
	Direct Deposit Fees	\$ 143.50	\$1.75 per DD (JP/SW @ 52 = \$91; Investigator/Exam Proctors @ 30 = \$52.50)
<b>Legal Fees</b>	Attorney General	\$ 8,000.00	Est \$154.36/hr: 9 mtgs @ 2 hrs ea= \$2,778.48 + \$5,221.52 complaints
<b>Audit Fees</b>	TBD	\$ 10,000.00	Pending final FY24 Revenue
<b>Bank Fees</b>	Merchant Svcs/Checking	\$ 4,600.00	
<b>Board Compensation</b>	Salary	\$ 2,925.00	Board 5 mtg @ \$75 x 7 members = \$2,625; Committee 4 mtg @ \$75 x 2 members = \$300
<b>Dues</b>	NCSB; RAN	\$ 550.00	NCSB \$450; RAN \$100
<b>Equipment</b>		\$ 200.00	No equipment anticipated.
<b>Examinations</b>		\$ 4,240.00	
	Exam Proctors	\$ 2,400.00	24 exams @ \$100/proctor (Avg FY20-FY23 = 19)
	Exam Materials	\$ 1,840.00	12 exams @ \$50 each; 12 exams @ \$100 each + \$40 shipping (Avg FY20-FY23 = 19)
<b>Insurance</b>	Tort & Liability/Worker's Comp	\$ 1,350.00	Tort Liability \$750; Worker's Comp \$600
<b>Database/Website</b>	Albertson Consulting	\$ 7,650.00	Annual \$7,200; Support Overage \$405 (3 hrs @ \$135/hr)
<b>Meeting Expense</b>	Rooms/lunches	\$ 100.00	Recommend no-cost in-person meetings if held.
<b>Ofc Lease/Cost Share</b>	OT Board	\$ 3,400.00	Shared office, supplies, equipment, & internet.
<b>Office Supplies</b>	ZOOM, Office365, Staples	\$ 750.00	ZOOM: \$150; Office365: \$400; Misc: \$200
<b>Postage</b>	USPS/OT Board	\$ 400.00	
<b>Printing</b>	State Printer	\$ 200.00	Envelopes, misc.
<b>Professional Fees</b>		\$ 4,500.00	
	Accounting	\$ 3,000.00	\$750/quarter
	Investigation Fees	\$ 1,000.00	Expert reviewer services.
	Leg Services	\$ -	Recommend adding to FY25 budget
	IT/Tech Support	\$ 500.00	None used in FY21/FY22
<b>Telephone/Tech</b>	AT&T; State of NV IT	\$ 525.00	Local \$300 (\$25/mo). LD \$25 (\$2/month). Teleconference (if needed) \$200.
<b>Travel</b>			
	Travel - In State	\$ 200.00	Local mileage. Reduce & hold all meetings via ZOOM.
	Travel - Out of State	\$ -	None planned.
<b>Total Operating Expenses</b>		<b>\$ 194,196.38</b>	

<b>Revenue in Excess of Operating Expense</b>	<b>\$ 9,474.89</b>
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**International Licensing Examination for Hearing Healthcare Professionals and IHS Practical  
Examination for Hearing Healthcare Professionals  
Agreement**

This Agreement is made between International Hearing Society ("IHS"), located at 16880 Middlebelt Road, Suite 4, Livonia, Michigan 48154, and the Nevada Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Board ("Agency"), located at P.O. Box 34540, Reno, Nevada 89533-4540, as of November 1, 2018 ("Effective Date"). This agreement supersedes the agreement titled "NIHIS PRACTICAL EXAMINATION AGREEMENT," executed March 15, 2000 between IHS and the Nevada Board of Hearing Aid Specialists which shall be null and void upon execution of this Agreement.

**1. Background & Purpose**

The Agency is responsible for the licensure and regulation of hearing healthcare professionals in Nevada. The Agency requires the use of examinations for the purpose of determining whether potential licensees have met minimal competency standards. Only the Agency has the authority to determine a candidate's eligibility to be licensed.

The purpose of this Agreement is for the Agency to use IHS's *International Licensing Examination for Hearing Healthcare Professionals* ("Examination") and IHS's *Practical Examination* ("Practical") as licensure examinations for hearing healthcare professionals. The Examination and the Practical will be administered through a collaborative effort between the Agency and IHS, as set forth in this Agreement.

NOW, THEREFORE, in consideration of mutual promises and covenants set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**2. Definitions:**

- A. **Candidate:** An individual that is deemed eligible by the Agency to take the *International Licensing Examination for Hearing Healthcare Professionals*
- B. **Examination:** *International Licensing Examination for Hearing Healthcare Professionals* (ILE)
- C. **IHS Candidate Roster:** Form that contains the eligible test-takers' contact information, that is sent by the Agency to IHS
- D. **Practical:** International Hearing Society's Practical Examination
- E. **Score Report:** Password-protected transmission of the Candidate's Examination results
- F. **Study Guide:** Informational brochure and governing document of Examination administration
- G. **Webassessor™:** Online skill assessment software that is used for Examination administration

**3. Responsibilities of the Parties:**

**Examination:**

- A. IHS and the Agency agree that the Study Guide is the governing document for the administration of the Examination.

- B. The Agency will determine each potential test-taker's eligibility prior to the Examination.
- C. The Agency will provide IHS with the eligible test-taker's ("Candidate") contact information on the IHS Candidate Roster via email to [exam@ihsinfo.org](mailto:exam@ihsinfo.org).
- D. IHS will send the Candidate an introduction email that includes the Study Guide and enables the Candidate to create an individual user account on Webassessor™.
- E. IHS will verify the Candidate's profile account on Webassessor™, which enables the Candidate to schedule his/her Examination and to submit the Examination fee.
- F. Following a Candidate's completion of the Examination, IHS will retrieve the Candidate's results from Webassessor™.
- G. IHS will provide the Agency with a Score Report, which includes IHS's recommended passing score and percentage score, and the Candidate's raw score and percentage score.
- H. The Agency will review the Score Report in full and notify the Candidate of the Agency's pass/fail determination.

**Practical:**

- A. The Agency will determine each potential test-taker's eligibility prior to the Practical.
- B. The Agency will order Practical materials directly from IHS by emailing [exam@ihsinfo.org](mailto:exam@ihsinfo.org).
- C. The agency will be responsible for arranging for Practical proctors.
- D. The Agency will be responsible for communication with candidates regarding the Practical, collecting fees from candidates, scheduling, and score report delivery for the candidates.
- E. The Agency shall arrange and pay for any necessary accommodations required by Practical candidates pursuant to the Americans with Disabilities Act. The Agency shall approve all such accommodations in advance of the Practical.
- F. The Agency will pay IHS \$50.00 per Practical examination and will reimburse IHS for the actual shipping costs related to sending the Practical exam materials.
- G. IHS will invoice the Agency for Practical Exam materials within 30 days of shipping of the Practical Exams to the Agency.
- H. The Agency will score the Practical and will keep records of scores as it determines to be necessary.
- I. IHS will process the Agency's timely order and will ship the Practical examination materials to the Agency within five (5) working days of receiving an order from the Agency.

#### 4. Procedural Matters - Examination:

- A. **Examination Score Reports:** IHS's recommended passing score on the Score Report is based on a raw score scale. Statistical methods are used to identify the published recommended score. As different examination forms are used, the recommended passing score may change, though the level of knowledge and skills required for a passing score remains the same. IHS strongly encourages the Agency to adopt IHS's recommended passing score. In the event that the Agency utilizes a passing score that is not recommended by IHS, the Agency is responsible for defending the Candidates' Examination results.

INITIAL ONE (either (i) or (ii))

- i. \_\_\_\_\_ The Agency adopts IHS's recommended passing score.
  - ii. \_\_\_\_\_ The Agency does not adopt IHS's recommended passing score and agrees to be responsible for defending the Candidates' Examination results.
  - iii. \_\_\_\_\_ The Agency retains the right to determine whether to adopt IHS's recommended passing scores for either or both of the Examination and Practical, and agrees to be responsible for defending the Candidate's Examination and Practical results in the event IHS's recommending passing score(s) are not adopted.
- B. **Re-Takes:** Candidates who fail the Examination may re-take it. The Agency will notify IHS on the IHS Candidate Roster of a candidate's eligibility to re-take the Examination, by indicating so in the "Re-Take" Column of the form. The Candidate must pay the Examination fee upon scheduling the re-take Examination through Webassessor™.
- C. **Score Verification:** Candidates are directed to submit all inquiries to the Agency regarding the results of his/her Examination. There is no appeal process through IHS for challenging individual Examination questions or results. Score verification may be requested within one year from the Examination date for a fee. The requesting party will submit the Score Verification Request Form and the fee made payable to IHS to the Agency. The Agency will then submit the Form and payment to IHS. IHS will conduct the score verification and will provide the results to the Agency. The Agency is responsible for determining the impact of the results of the score verification and will notify the Candidate of its final decision of whether the Candidate passed or failed.

5. **Fees:** The fees applicable to this agreement are as follows: Examination fee (\$225.00 USD); Re-take fee (\$225.00 USD); and Score Verification fee (\$150.00 USD) to be paid by the candidate directly to IHS; and Practical examination fee (\$50.00 USD) to be paid by the Agency for Practical materials.

Candidates who reschedule or cancel Examination appointments are subject to additional fees as established by IHS, payable directly to IHS. IHS will provide Candidates with procedures for cancellation or rescheduling of Examination appointments and the fees for such actions. These procedures and fees are outlined in Appendix A of this agreement for reference only.

All fees are subject to change by IHS with sixty (60) days advance written notice to the Agency.

6. **Special Accommodations:** Candidates will be advised in the Study Guide to contact IHS regarding special testing accommodations for disabilities under the Americans with Disabilities Act. A Candidate must request special accommodations in writing before he/she schedules and pays for the Examination.
7. **Security & Testing Incidents:** Candidates are at all times to maintain a professional attitude toward other Candidates, proctors, and other personnel. Conduct that is, or results in, a violation of security or disrupts the administration of the Examination may result in immediate disqualification and ejection from the Examination. Such conduct includes, but is not limited to, cheating, failing to follow the proctor's instruction in the administration of the Examination, or otherwise compromising the security or integrity of the Examination. Copying or communicating Examination content is also prohibited.

IHS will notify the Agency of any known Examination security violations and if IHS has the ability, will provide the Agency with a recommended course of action.

8. **Ownership and Confidentiality:** The Agency acknowledges and agrees that IHS owns all proprietary rights and interests, including, but not limited to, IHS copyright, trade secret, and/or patented information, as well as all Examination materials, including, but not limited to, the Study Guide, the Examination, items appearing on the Examination, the answer key to the Examination, the Practical Examination booklet, charts, items appearing on the Practical Examination, and the answer key to the Practical Examination.

The Examination and the Answer Key will be kept confidential. IHS will not disclose the Examination and/or the Answer Key under any circumstances to any person or entity, including, but not limited to, the Agency.

9. **Exclusivity:** This Agreement supersedes all previous contracts and constitutes the entire Agreement between the parties with respect to the subject matter of this Agreement. This Agreement may be signed in multiple counterparts and transmitted electronically, each of which is effective as an original.

10. **Modification:** This Agreement may only be modified by a signed written addendum.

#### 11. Term & Termination:

- A. **Initial & Renewal Term:** Unless otherwise terminated pursuant to this Agreement, the initial Term will be for a period of five years, commencing on the Effective Date terminating October 31, 2023, unless renewed by mutual agreement of both parties in writing.

- B. **Termination:** Either party may terminate this Agreement by giving thirty (30) days advance written notice to the other party.

12. **Notices:** All notices or other communications required or permitted to be given to a party to this Agreement regarding term and/or termination will be in writing and will be (a) personally delivered; (b) sent by registered or certified mail, postage prepaid, return receipt requested; or (c) sent by an overnight express courier service that provides written confirmation of delivery, to the applicable party:

IHS:

Professional Development Director  
International Hearing Society  
16880 Middlebelt Road, Suite 4  
Livonia, Michigan 48154

AGENCY:

Nevada Speech-Language Pathology, Audiology, and Hearing Aid  
Dispensing Board  
P.O. Box 34540  
Reno, Nevada 89533-4540

Each such notice or other communication will be deemed given, delivered, and received on its actual receipt, except if delivery is refused by the addressee, then it will be deemed given, delivered, and received on the date on which delivery is refused by the addressee.

13. **Force Majeure:** Failure by either party to perform its duties and obligations will be excused by unforeseeable circumstances beyond its reasonable control and not due to its negligence including, but not limited to, acts of nature, acts of terrorism, riots, labor disputes, fire, flood, explosion, and governmental prohibition. The non-declaring party may cancel this Agreement without penalty if performance does not resume within thirty (30) days of the declaration.
14. **Indemnification and Liability:** The Agency shall indemnify and hold harmless IHS, its officers, employees, and agents from any and all costs, demands, expenses, losses, claims, damages, liabilities, settlements, and judgments, including in-house and contracted attorney's fees and expenses, arising out of: (a) any breach or violation by the Agency of any of its certifications, representations, warranties, covenants or agreements; (b) any actual or alleged death or injury to any person, damage to any property or any other damage or loss claimed to result in whole or in part from Agency's negligent performance; or (c) any act, activity or omission of Agency or any of its officers, employees, or agents.  
  
IHS shall indemnify and hold harmless the Agency, its officers, employees, and agents from any and all costs, demands, expenses, losses, claims, damages, liabilities, settlements, and judgments, including in-house and contracted attorney's fees and expenses, arising out of: (a) any breach or violation by IHS of any of its certifications, representations, warranties, covenants or agreements; (b) any actual or alleged death or injury to any person, damage to any property or any other damage or loss claimed to result in whole or in part from IHS's negligent performance; or (c) any act, activity or omission of IHS or any of its officers, employees, or agents.
15. **Compliance with the Law:** The Agency, its employees, agents, and subcontractors shall comply with all applicable federal, state, and local laws, rules, ordinances, regulations, and orders in the performance of this Agreement.
16. **Applicable Law:** This Agreement shall be construed in accordance with and is subject to the laws and rules of the State of Michigan.



IT IS SO AGREED BY THE PARTIES AS OF THE EFFECTIVE DATE.

INTERNATIONAL HEARING SOCIETY

By: Joy Wilkins

Joy Wilkins

Director of Professional Development

Date: 11-30-18

AGENCY

By: Loretta Ponton

Loretta Ponton

Executive Director

Date: 11-1-18

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**APPENDIX A****CANDIDATE FEES AND PROCEDURES  
INTERNATIONAL LICENSING EXAMINATION FOR HEARING HEALTHCARE PROFESSIONALS**

The policies, procedures, and fees outlined herein are included for reference only and are subject to change by IHS.

**Appointments – Rescheduling, Cancellations, No-Shows:****A. Rescheduling:**

- i. A Candidate may reschedule his/her Examination appointment more than 72 hours (exactly) before the appointment date at no charge, by logging into his/her user account on Webassessor™ and following the applicable on-line prompts.
- ii. A Candidate may reschedule his/her Examination appointment less than 72 hours and more than 24 hours before the appointment date by logging into his/her user account on Webassessor™ and following the applicable on-line prompts and paying the applicable rescheduling fee (\$75.00).
- iii. A Candidate may not reschedule his/her Examination appointment on the examination date (less than 24 hours exactly). This is considered a no-show, and the Candidate forfeits their Examination fee.

**B. Cancellations:**

- i. A Candidate may cancel his/her examination appointment for a full refund if the Candidate makes the cancellation through his/her user account on Webassessor™ more than 72 hours before the appointment time.
- ii. A Candidate may cancel his/her examination appointment for a partial refund (\$150.00) if the Candidate makes the cancellation through Webassessor™ more than 24 hours before the appointment time.
- iii. If a Candidate cancels his/her examination appointment on the examination date or less than 24 hours prior to the examination appointment time, this is considered a no-show and the Candidate forfeits their examination fee.

**C. No-Shows:**

- i. A Candidate who fails to appear for his/her scheduled Examination appointment will not receive a refund.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 13

### Report from Legal Counsel and Training/Overview on Disciplinary Hearing Process

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Henna Rasul, Board Counsel will provide the Board with a general update on legal activities, and a training/overview on the Disciplinary Hearing Process. An excerpt from the Board Handbook on Disciplinary Hearings and Consent Decrees is attached for review.

**ACTION:** None – INFORMATIONAL ONLY

**ATTACHMENT(S):**

1. *Disciplinary Hearing & Consent Decree Overview*

## DISCIPLINARY HEARING & CONSENT DECREE OVERVIEW

If a formal investigation determines a potential violation of the Board's laws or regulations may have occurred, warranting consideration of disciplinary action, a formal public hearing may be held. In lieu of a public hearing, the practitioner may agree to resolve the case by entering into a consent decree. Both are explained below.

### Consent Decree

As an alternative to a public hearing, a Consent Decree is a binding agreement with the Board wherein the practitioner stipulates to facts of the case and agrees to proposed discipline. The terms of the Consent Decree are typically negotiated between Board Counsel, the Executive Director, and the practitioner, and presented to the Board for review and approval. The practitioner may ask for a Consent Decree at any time, even during the public hearing.

### Formal Public Hearing

#### Scheduling & Notice to the Person Being Considered

A Hearing may be an item on a regular Board meeting agenda or scheduled as a special meeting for the Hearing only. It is most appropriate for the full Board to be present during a Public Hearing. Proper notice must be given to the person being considered by certified mail at least 30 calendar days or in-person service within 5 calendar days in advance of the Hearing unless a *Waiver of Notice* is signed.

#### Hearing Process

A Hearing is not as formal as a court proceeding but must provide the licensee an opportunity for due process and conduct its proceedings in consideration of and in accordance with fair play. Board members will hear the case and take testimony from both sides: Board staff, represented by the Deputy Attorney General, and the practitioner and their Counsel, if represented.

#### Hearing Purpose

The purpose of the Hearing is to determine contested issues related to the practice law(s) allegedly violated by the licensee, specifically:

- A FINDING OF:
  - Whether the licensee engaged in certain acts; and
  - If so, whether those acts violate the Board's practice act and regulations; and
- IF A FINDING IS MADE:
  - To determine the appropriate disciplinary action.

#### Recusal & Abstention Due to Conflict of Interest

A Board 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 the Hearing or Consent Decree review.

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

## Disciplinary Action

If the Board makes a finding and imposes discipline, a legal Order will be issued by the Deputy Attorney General, and all disciplinary actions taken as a result of the Hearing will become public information.

The Board may impose disciplinary action per [NRS 637B.280](#) as follows:

1. *If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:*
  - (a) *Refuse to renew a license;*
  - (b) *Revoke a license;*
  - (c) *Suspend a license;*
  - (d) *Administer to the licensee a public reprimand;*
  - (e) *Impose conditions on the practice of the licensee;*
  - (f) *Impose a civil penalty not to exceed \$5,000 for each act constituting grounds for disciplinary action; or*
  - (g) *Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.*
2. *The Board shall not administer a private reprimand.*
3. *An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.*

## Considerations for Imposing Sanctions

The *National Council of State Boards of Examiners for Speech-Language Pathology and Audiology* offers the following guidance for Board members when considering sanctions:

- *Degree of harm to the consumer*
- *Severity of offense*
- *First or repeated offense for same violation*
- *Repeat offender for various violations*
- *Extenuating circumstances*
- *Self-report vs. consumer complaint*
- *Efforts to correct the violation*
- *Severity level necessary to deter future violations*
- *Consistency with previous Board actions (precedents)*

## Disciplinary Reporting

As noted in NRS 637B.280 (3) an order that imposes discipline and the findings of fact and conclusions of law supporting that order are **public records**. The Board may release a copy of a disciplinary order to anyone upon request and will send a copy of a final order to the original complainant when the case is concluded.

- [Nevada Legislative Counsel Bureau \(LCB\)](#): The Board is mandated to report licensing statistics and disciplinary actions on all licensed practitioners to the LCB on a quarterly basis. These reports are publicly available on the LCB website.
- [National Practitioner Data Bank \(NPDB\)](#): The Board must report disciplinary action to the NPDB within 30 days of the final action. The NPDB is an online database administered by the U.S. Department of Health and Human Services that houses information on medical malpractice payments and certain adverse actions related to health care practitioners, providers, and suppliers. The NPDB is intended to prevent practitioners from moving state to state without disclosure or discovery of previous performance issues. Individuals and organizations who are subjects of these reports have access to their own information, and these reports are confidential and not available to the public.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 14

### Reports from Board Chair and Board Members

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- a. **Recognition of Board Service:** Tami Brancamp, SLP and Michael Hodes, AuD
- b. **Report from Board Chair and Board Members**
- c. **2023 Proposed Meeting Schedule:** Next meeting proposed: **Wednesday, July 26, 2023 at 4:30pm.**  
Teleconference hosted via Zoom and in-person both in Reno (Board Office) and Las Vegas (Desert Valley Audiology).
- d. **Future Agenda Items**
  - 1) Work Session: Continued work on Future Legislative Efforts (Standing Agenda Item):
    - (a) Licensing Speech-Language Pathology Assistants *(for possible action)*
    - (b) Licensing Audiology Assistants *(for possible action)*
    - (c) Address Cerumen Management Practice by HAS *(for possible action)*
    - (d) Removal of NBC-HIS Certification for Standard HAS License *(for possible action)*
    - (e) Telesupervision by AUD & SLP *(for possible action)*
  - 2) Response to Governor's Executive Orders *(for possible action)*
  - 3) Review of 2023 Legislative Session *(for possible action)*
  - 4) Election of Board Chair & Vice Chair, and Bank Signatories/Financial Reviewer Appointments *(for possible action)*
  - 5) Other Items As Proposed *(for possible action)*

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

**ATTACHMENT(S):** None.





State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 15

### Public Comment

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

**ACTION:** None – INFORMATIONAL ONLY

**ATTACHMENT(S):** None.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 16

### Adjournment

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**ACTION:** Meeting adjourned.

**ATTACHMENT(S):** None.