



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

MINUTES OF PUBLIC MEETING

Advisory Committee on Fitting and Dispensing Hearing Aids

September 21, 2023

Members Present: Timothy Hunsaker; Lynee Anderson; Nanci Campbell; Jennifer Joy-Cornejo; Melissa Maestas

Members Absent: None

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

Public Present: Laura Fink

Call to Order, Confirmation of Quorum

Executive Director Pierce began the meeting as the Committee would be tasked to elect a new Chair later in this meeting to replace Michael Hodes who termed off the Board in July 2023. Ms. Pierce called the meeting to order at 4:33pm. A roll call confirmed a quorum was present.

Public Comment

Ms. Pierce introduced this agenda item and read the following statement pursuant to AB219 (2023): "I will now review the instructions for providing public comment during this meeting: Any person wishing to make public comment may attend this meeting and provide public comment in one of the following ways: 1. Attend the meeting and provide public comment in-person at the physical location; OR 2. Attend the meeting and provide public comment virtually through the Zoom teleconference video link listed on the agenda; OR 3. Attend the meeting and provide public comment telephonically through the Zoom telephone number listed at the end of the meeting agenda with additional public comment instructions. 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 Board Chair, 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 their sole discretion. 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."

Ms. Pierce then called for public comment. There was no public comment.

Election of Committee Chair

Ms. Pierce explained the purpose of this item, pursuant to NAC 637B.034(3), which requires that "the Committee shall select a Chair from among the members of the Committee who are members of the Board." Ms. Pierce then invited Committee members to nominate either Lynee Anderson or Timothy Hunsaker for the Chair role. Jennifer Joy-Cornejo nominated Timothy Hunsaker. No other nominations were offered. Ms. Pierce called for a motion. Jennifer Joy-Cornejo made a motion to elect Timothy Hunsaker to the role of Committee

Chair. Nanci Campbell seconded the motion. The motion passed unanimously. Timothy Hunsaker, Committee Chair took over leadership of the meeting.

Approval of the Minutes

Timothy Hunsaker asked for corrections or a motion to approve the April 12, 2023 minutes as written. Nanci Campbell made a motion to approve the minutes as written. Lynee Anderson seconded the motion. The motion passed unanimously.

Review and Recommendation to the Board on Possible NRS and/or NAC Revisions:

a. Education and Training Requirements for HAS and HAS Apprentices: [NRS 637B.201](#), [NAC 637B.0391](#), [NAC 637B.0392](#), and/or [NAC 637B.0394](#)

In 2022, the Board approved future legislation to remove NBC-HIS certification as a requirement for a Standard HAS License. This decision highlighted the requirement in NAC 637B.0391 for a HAS Apprentice with no formal education in hearing instrument sciences to complete a 2 year in-service training program, which mirrors the NBC-HIS clinical training requirement to sit for the certification exam. The 2 year requirement was reviewed and reaffirmed as appropriate by the Advisory Committee in June 2022. Currently, the NBC-HIS requirement ensures that an applicant has completed a 2 year training program to obtain the Standard HAS license, however, once the NBC-HIS requirement is removed, passage of the dispensing exams will be the only other requirement. The Committee considered several options for revisions to NRS and NAC to clarify the requirements for a HAS license in the absence of the NBC-HIS requirement, as well as options to grant training credit to an applicant who has completed all or a portion of a training program in another state but not licensed there.

As any proposed changes cannot occur until an NRS change is made regarding NBC-HIS, the Committee agreed to continue discussing the matter and took no action on a recommendation to the Board.

b. Required Dispensing Examinations and Endorsement for Fitting and Dispensing Hearing Aids: [NRS 637B.203](#), [NRS 637B.204](#), [NRS 637B.205](#), [NAC 637B.0373](#), & [NAC 637B.0374](#)

This matter was previously before the Committee and a request was made to revisit the item, specific to the requirement for an Audiologist to hold the required endorsement and/or pass both the written ILE and practical dispensing exams. The Committee discussed the matter and opted to continue the conversation in its next meeting and make no recommendation at this time. No action was taken.

c. Practical Examination Fee Increase: [NAC 673B.030](#)

Ms. Pierce explained that IHS is revising its Dispensing Practical exam and raising the per-exam cost. Our Board has benefited from a negotiated rate of \$50 per exam booklet, but the new rate will top out at \$200 per booklet. Any rate increase poses a negative fiscal impact for the Board, as the current \$200 fee covers \$50 for the exam booklet, \$100 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 for the examination and the actual fee charged is \$200 as established in [NAC 673B.030](#). Notably, this is the only fee that is not already at the maximum cap limit. IHS has offered a graduated budget increase, and a draft contract scheduled for the Board's review at its next meeting will increase the rate to \$100 beginning 1/1/2024. This increase will result in the current \$200 rate covering only the cost of the booklet and the reimbursement paid to the exam proctor. An assessment of fees charged by similar Boards in Nevada, and practical examination fees in other states indicates that the \$200 currently charged by this Board is lower than both averages. There was discussion and consensus that an increase is appropriate to cover Board costs.

Timothy Hunsaker called for a motion. Melissa Maestas made a motion to recommend the Board pursue a revision to NAC 637B.030 to increase the practical exam fee to \$250. Jennifer Joy-Cornejo seconded the motion. The motion passed unanimously.

d. Tinnitus Care by Hearing Aid Specialists: [NRS 637B.055](#)

Ms. Pierce explained that the Board recently received an inquiry regarding whether Hearing Aid Specialists are allowed to treat tinnitus as part of their scope of practice, as there is no reference in NRS or NAC currently. It is understood that while hearing aids may be used for tinnitus masking and treatment, the practice is not the same as fitting for hearing loss, as tinnitus treatment requires training and counseling beyond the initial hearing aid fitting.

IHS offers a [Tinnitus Care Provider Certificate](#) earned during a three-day training workshop and assessment that culminates in a Tinnitus Care Provider certificate. IHS also advises practitioners that “If you use the title, “Tinnitus Care Provider” you must also state “Holding a Certificate from the International Hearing Society.” This certificate title does not replace your job title. Certificate holders must check with their own state/provincial licensing agencies for rules, regulations and scope of practice regarding providing tinnitus care. All Tinnitus Care Provider Certificate Program participants and certificate holders are expected to understand and abide by all applicable local, state/provincial, and federal laws and rules governing scope of practice, licensure/registration requirements, and permissible titles.” The Committee discussed the matter and consensus was that it would be acceptable to allow this practice by a HAS with the appropriate training.

Timothy Hunsaker called for a motion. Jennifer Joy-Cornejo made a motion to recommend the Board pursue a revision to NRS 637B.055 to allow tinnitus care by a HAS with the appropriate training. Lynee Anderson seconded the motion. The motion passed unanimously.

e. Medical Evaluation/Waiver for Sale of Hearing Aids by Catalog, Mail or Internet: [NRS 637B.242](#), [NAC 637B.0444](#), and/or [NAC 637B.045](#)

The [FDA Final Rule on Over the Counter \(OTC\) Hearing Aids](#) of October 2022 repealed the requirement in 21 CFR 801.421 for a medical evaluation or signed waiver to obtain hearing aids. The federal rule takes precedence over state law but authorizes states to maintain existing state laws or regulations that require the evaluation or waiver. One section of our NRS (637B.242), and two sections of NAC (637B.0444 and 637B.045) remain in effect, but only apply to the sale of hearing aids by catalog, mail, or Internet. The Advisory Committee reviewed the matter in January 2023 and recommended no changes to either the NRS or NAC. However, we have since been informed that AAA recommends states consider removing medical clearance requirements for prescription hearing aids to clear up confusion and remove restrictions. The Committee discussed the matter and consensus was that these sections should be revised/removed to align with federal law.

Timothy Hunsaker called for a motion. Nanci Campbell made a motion to recommend the Board pursue revisions to NRS 637B.242, NAC 637B.0444, and NAC 637B.045 to remove requirements for a medical evaluation or waiver and align these with the Final Rule. Lynee Anderson seconded the motion. The motion passed unanimously.

Review and Recommendation on Guidance for Scope of Practice Related to Earmold Impressions Pursuant to [NRS 637B.055\(1\)](#)

The Board recently received a request for guidance on the scope of practice for fitting and dispensing hearing aids, specific to “making earmold impressions” included per NRS 637B.055(1). The guidance request was specific to the use of the Earlens® Contact Hearing Solution, a non-surgical hearing device that uses resonant inductive coupling to transmit and receive sound information from a Processor and Ear Tip to a Tympanic Lens

(Lens). The lens requires an ear canal impression and placement on the skin around the Tympanic Membrane, both of which must be done by a trained physician.

This request came from a Dispensing Audiologist working within an ENT practice that is using this system, who wanted guidance/permission from the Board to conduct the ear canal impression and lens placement with permission from Earlens. The Committee members quickly and unanimously responded that this activity is not part of “making an impression” for an earmold and adamantly stated that that this is a very risky procedure that should not be allowed within this scope of practice.

Timothy Hunsaker called for a motion. Jennifer Joy-Cornejo made a motion to recommend the Board issue a response to the guidance request that this activity is not allowable within the scope of practice for fitting and dispensing hearing aids pursuant to NRS 637B.055. Nanci Campbell seconded the motion. The motion passed unanimously.

Reports from Committee Chair and Members

There were no reports from the Chair or Members. The next meeting was tentatively scheduled for Thursday, January 18, 2024 at 4:30pm.

Public Comment

There was no public comment.

Adjournment

Timothy Hunsaker adjourned the meeting at 6:07pm.