

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

LCB File No. R050-15

October 5, 2015

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

AUTHORITY: §§1 and 4-6, NRS 637B.160 and sections 17 and 18 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296; §2, NRS 637B.100, as amended by section 44 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2303, and section 17 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296; §3, NRS 637B.160 and 637B.230, as amended by section 51 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2307, and sections 17 and 18 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296.

A REGULATION relating to professions; revising requirements to apply for, renew, reinstate or change the status of a license to practice audiology, speech-language pathology or fitting and dispensing hearing aids; authorizing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to conduct an oral interview of an applicant; prescribing the date on which an active license expires; removing a prohibition on the retroactive reinstatement of certain expired licenses; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Assembly Bill No. 115 of the 78th Legislative Session combined the Board of Hearing Aid Specialists with the Board of Examiners for Audiology and Speech Pathology to create the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. (NRS 637B.040, as amended by section 39 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, p. 2301, 637B.100, as amended by section 44 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, p. 2303, section 72 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, p. 2322) **Section 2** of this regulation updates the definition of “Board” to reflect this change.

Existing law requires the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to evaluate the qualifications and determine the eligibility of an applicant for a license to practice audiology, speech-language pathology or fitting and dispensing hearing aids. (Section 17 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, p. 2296) Existing law also requires the Board to adopt regulations prescribing the manner in which such a license

must be renewed. Existing law authorizes the Board to: (1) adopt regulations providing for the late renewal of a license or the reinstatement of an expired license; and (2) place a license on inactive status if the holder of the license does not engage in or represent that he or she is engaged in the practice of the profession for which he or she is licensed. (Section 18 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296) **Section 3** of this regulation requires any person desiring licensure by the Board or to renew, reinstate or convert the status of a license issued by the Board to submit a completed application and the appropriate fee to the Board. **Section 3** also removes certain provisions concerning the method that must be used to pay an application fee and the recovery of money by the Board if a personal check is returned to the Board as the result of insufficient money or a stop payment order. **Section 4** of this regulation: (1) requires an applicant for the issuance, renewal, reinstatement or change of status of a license to submit proof that he or she has met certain requirements, if applicable, with his or her application; and (2) authorizes the Board to request additional information or an oral interview of an applicant.

Section 1 of this regulation prescribes the manner in which: (1) an active license may be converted to an inactive license; (2) an inactive license may be renewed; and (3) an inactive license may be converted to an active license. **Section 1** also requires the holder of an inactive license to comply with the requirements for continuing education that would apply if the license were active.

Existing law requires the Board to adopt regulations prescribing the period for which a license is valid. (Section 18 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296) **Section 5** of this regulation provides that each active license expires 1 year after the date on which the license was issued. **Section 5** also requires an application to renew a license to be submitted within 30 days after the date on which the license expired.

Section 6 of this regulation authorizes the holder of an expired license to apply for the reinstatement of the license within 3 years after the date on which the license expired. Existing regulations require an applicant to reinstate a license to include in the application proof that the applicant has completed at least 15 hours of continuing education approved by the Board for each year or portion of a year for which the license has been expired. (NAC 637B.0365) **Section 6** removes this requirement and instead requires the applicant to include in the application proof that the applicant: (1) has complied with the requirements for continuing education that would apply if the license were active for the year immediately preceding the date of the application; and (2) is certified as a speech-language pathologist, audiologist or hearing aid specialist, as applicable, by certain organizations that certify such professionals. Additionally, **section 6** removes a prohibition on the retroactive reinstatement of a license that has been expired for 30 days or more.

Section 1. Chapter 637B of NAC is hereby amended by adding thereto a new section to read as follows:

1. A person who holds an active license that is not suspended, revoked or otherwise restricted may convert his or her license to an inactive license when renewing the license. To convert an active license to an inactive license, the licensee must submit 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 practice audiology, speech-language pathology or fitting and dispensing hearing aids in this State after the license has been converted to inactive status.

2. A person who holds an inactive license shall comply with the requirements for continuing education that apply to the holder of an active license to practice the profession for which the person holds an inactive license.

3. An inactive license may be renewed in the manner prescribed in NAC 637B.035, 637B.0355 and 637B.036.

4. A person who holds an inactive license may convert the inactive license to an active license 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.

Sec. 2. NAC 637B.0025 is hereby amended to read as follows:

637B.0025 “Board” means the ~~{Board of Examiners for Audiology and Speech}~~ *Speech-Language Pathology ~~H~~, Audiology and Hearing Aid Dispensing Board.*

Sec. 3. NAC 637B.035 is hereby amended to read as follows:

637B.035 1. *Any person desiring licensure by the Board or to renew, reinstate or convert the status of a license issued by the Board must complete and submit an application on a form provided by the Board.*

2. Each ~~{completed}~~ application ~~{for a license as an audiologist or speech pathologist}~~ *submitted pursuant to subsection 1* must be accompanied by payment of the appropriate fee. ~~{If the payment is in the form of a check or money order, the check or money order must be payable to the “Board of Examiners for Audiology and Speech Pathology.”}~~

~~—2. The Board will accept payment of fees in the following forms:~~

~~—(a) Personal check;~~

~~—(b) Money order;~~

~~—(c) Cashier’s check; and~~

~~—(d) Credit card.~~

~~—3. The Board will not accept payment of fees in cash.~~

~~—4. The Board may recover any charge from a financial institution for a personal check returned to the Board as the result of insufficient money in the account from which the check is drawn or due to a stop payment order on the check. Not later than 15 days after receiving notice from the Board, the person who submitted the check as payment shall remit to the Board an amount equal to the amount of the original check plus the amount of the charge.}~~

Sec. 4. NAC 637B.0355 is hereby amended to read as follows:

637B.0355 1. An applicant who is required to provide the Board with:

(a) An official transcript ~~{for the purpose of obtaining a license as an audiologist or speech pathologist}~~ *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 ~~{institution}~~ *program* to the Board.

(b) Proof satisfactory of his or her certification by the American Board of Audiology , ~~{or}~~ 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 satisfactory of his or her clinical competency shall ensure that such proof is sent directly to the Board on a form provided by the Board.~~
- ~~—(d) Proof satisfactory that he or she passed an examination approved by the Board shall ensure that such proof is sent directly to the Board by the entity that administered the examination.~~
- ~~—(e) Proof satisfactory of his or her current employment shall ensure that such proof is provided to the Board.~~
- ~~—(f) Proof satisfactory of the completion of any requirements for continuing education shall ensure that such proof is provided to the Board.]~~ *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 ~~[holds or has held a valid license from another state or territory in the United States, the applicant shall ensure that:~~

- ~~—(a) A copy of each license is attached to his or her application; and~~
- ~~—(b) Verification of each license held during the 5 years immediately preceding the date of application is sent directly to the Board by the licensing authority.]~~ *is required to pass an examination or complete continuing education for the issuance, renewal, reinstatement or conversion 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. *The Board may require an applicant to provide additional information or to appear before the Board or one of its members for an oral interview before the issuance, renewal, reinstatement or conversion of the status of a license.* An applicant shall include with his or her application any additional information that the Board may require . ~~{for the purpose of reviewing an application.}~~

Sec. 5. NAC 637B.036 is hereby amended to read as follows:

637B.036 1. *Each active license issued by the Board expires 1 year after the date on which the license was issued.*

2. *An application to renew a license must be 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}~~ *speech-language* pathologist may be submitted on a single application.

Sec. 6. NAC 637B.0365 is hereby amended to read as follows:

637B.0365 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 ~~{at least 15 hours of}~~ *the* continuing education ~~{approved by the Board for each year or portion of a year for which the license has been expired.}~~ *that is required of the holder of an active license to practice the profession for which the person holds an expired license for the year immediately preceding the application for reinstatement.*

(b) The fees imposed by the Board pursuant to NRS 637B.230 , *as amended by section 51 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2307*, 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, as applicable.

2. ~~The reinstatement of a license that has been expired for 30 days or more must not be retroactive. The reinstatement becomes effective on the date of the approval of the application for reinstatement.~~ *An application to reinstate a license must be submitted not later than 3 years after the date on which the license expired.*

Sec. 7. NAC 637B.040 is hereby amended to read as follows:

637B.040 1. The “Code of Ethics” of the American Speech-Language-Hearing Association, in effect on January 1, 2003, is hereby adopted by reference as the standards for ethical conduct of licensed audiologists and speech pathologists, except wherever the word “individual” appears, insert the word “licensee” in lieu thereof.

2. A copy of the Code may be obtained at no charge:

(a) From the State of Nevada, ~~Board of Examiners for Audiology and Speech~~ *Speech-Language Pathology* ~~], Audiology and Hearing Aid Dispensing Board~~, P.O. Box ~~70550,~~ *34540*, Reno, Nevada ~~89570-0550;~~ *89533-4540*; or

(b) By telephone at ~~(775) 857-3500;~~ *(775) 787-3421.*