

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

## LCB File No. R129-15

### *Examinations, Fitting and Dispensing Hearing Aids*

- 1. The examination approved by the Board required pursuant to (NRS – Sec 25) shall consist of a written portion and practical portion.*
- 2. In addition to the examination approved pursuant to subsection 1, the Board may administer an examination that tests the familiarity of an applicant with the laws and regulations relevant to the practice of fitting and dispensing hearing aids in this State.*
- 3. To be eligible to take the examination, an applicant must file a completed application with the Executive Director of the Board and pay the examination fee.*
- 4. The applicant must achieve a passing score as determined by the Board on each examination required by the Board for licensure.*
- 5. If the applicant fails an examination, he or she may retake the examination and pay a re-examination fee established by the Board.*
- 6. The Board may approve and accept a passing score obtained on a written examination taken within the previous 12 months, if the examination is the same or equivalent to the written examination approved by the Board.*

### *Hearing Aid Specialist Apprenticeship Program*

#### *General Provisions*

- 1. The Apprenticeship Program shall be comprised of a combination of an academic curriculum portion and a competency based on-site training and work experience portion.*
- 2. The apprenticeship program shall have a minimum length of two (2) years. An apprentice must complete the apprenticeship program within three (3) years.*
- 3. An apprentice may request an extension of time to complete the apprenticeship program if there are extenuating circumstances which impact the ability of the apprentice to complete the program within the designated time.*

*Academic Curriculum, minimum requirements*

*1. The academic curriculum must be specific to the training and education necessary to competently perform the duties and responsibilities necessary for the fitting and dispensing of hearing aids and must include at a minimum:*

- (a) Ethics Laws and Rules*
- (b) Federal Rules Governing Hearing Aid Devices*
- (c) Infection Controls*
- (d) Basic Hearing Science*
- (e) Hearing Instrument Science and Fitting Practices*
- (f) Audiometric Testing and Masking*

*Academic Curriculum, approved curriculum, exceptions*

*1. 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 Section (above), does not require approval of the Board.*

*2. A customized program of academic training and proposed curriculum must be submitted to the Board for evaluation and approval.*

*3. The Board will maintain a list of approved academic programs.*

*On-Site Training and Work Experience, minimum requirements*

*1. The on-site training and work experience program will be comprised of a minimum of 16 hours per week, 30 weeks per year. The training may be completed in conjunction with the academic program component.*

*2. The On-site Training component must be competency based and include at a minimum the evaluation of Core Competencies in:*

- (a) Sanitation Protocols*
- (b) Identifying and Documenting Client Needs*
- (c) Visual Inspection of Ear, Otoscopic Examinations*
- (d) Audiometric Testing*
- (e) Hearing Evaluation Results*

- (f) Ear Impressions, Preparation and Molds*
- (g) Physical and/or electronic check of hearing instrument*
- (h) Fitting and Programming Hearing Instruments*
- (i) Troubleshoot, Adjust and Repair of Hearing Instruments*
- (j) Client Documentation*

*3. The Sponsor and the Apprentice will jointly:*

- (a) Review the progress in achieving the core competency levels; and*
- (b) Document on a form to be provided by the Board, the proficiency of the apprentice in each Core Competency by signature and date.*

*4. The Board may require a sponsor to provide a report on the training and competencies completed by an apprentice, and proof of compliance with the supervisory responsibilities of the sponsor.*

*Sponsor of an apprentice; responsibilities, supervision required*

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

- a. hold a current and active license with the Board;*
- b. have a minimum of three (3) years' experience as a licensed dispensing audiologist or hearing aid specialist; and*
- c. be in good standing, with no disciplinary actions.*

*2. A hearing aid specialist or dispensing audiologist may not sponsor more than two (2) apprentices at one time.*

*3. An apprentice may have no more than two (2) sponsors at one time.*

*4. A Sponsor for an apprentice shall:*

- (a) Provide on-site training, and evaluation of the apprentice work;*
- (b) Determine the competency level of the apprentice to perform tasks for fitting and dispensing of hearing aids;*
- (c) Provide direct supervision of the apprentice;*
- (d) Document the training provided and supervision of the apprentice; and*
- (e) Provide written notification to the Board when:*
  - i. an apprentice is no longer under his/her sponsorship;*

- ii. *an apprentice withdraws or terminates from the apprentice training program;*
- iii. *an apprentice successfully completes the apprentice training program;*
- iv. *the sponsor withdraws as a sponsor for an apprentice; or*
- v. *an apprentice has completed one year of on-site training and work experience and is determine competent to work without physical on-site supervision.*

*As used in this section, direct supervision is defined as:*

- (a) physically on-site at the same location as an apprentice during the first year of apprenticeship while the apprentice is in training ; or*
- (b) daily communication or physical contact with an apprentice who has completed at a minimum one-year of on-site training and work experience, upon approval of the Board.*

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

*6. An apprentice is not required to be under the direct supervision of a sponsor when performing duties pursuant to Section (below) for unlicensed persons.*

*7. An apprentice may not maintain, run or operate an office or a satellite office in which hearing aids are dispensed, unless approved of the Board.*

*Delegation of duties to office assistant, aide or technician; limitations on unlicensed persons.*

*1. A person may assist a licensed hearing aid specialist or dispensing audiologist as an office assistant, aide or technician. Such an assistant, aide or technician is not required to be licensed pursuant to the provisions of chapter 637B of NRS or possess the professional or advanced training in fitting and dispensing of hearing aids which are required for the practice of fitting and dispensing of hearing aids.*

*2. Except as otherwise provided in subsection 3, a licensed hearing aid specialist or dispensing audiologist may delegate duties to an office assistant, aide or technician if he or she 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 which may be delegated to an office assistant, aide or technician include, but are not limited to:*

- (a.) general cleaning of a hearing aid;*

- (b) repair or change of a broken part with the same part;*
- (c) replacing thin tube or dome with like size or style;*
- (d) replacing filters*
- (e) returning repaired hearing aids to a client that do not require fitting, programming or adjusting;*
- (f) accepting in-office return of a hearing aid when a receipt is provided to the client to document proof of return;*
- (g) Performance of clerical, secretarial and general administrative duties; including, but not limited to answering questions and providing information that is readily available to the general public.*

*3. A licensed hearing aid specialist or dispensing audiologist may not delegate a duty to an unlicensed person if the duty requires the professional evaluation or advanced skills required for the fitting and dispensing of hearing aids. The duties which may not be delegated to an unlicensed person include, but are not limited to:*

- (a) removing from or placing a hearing aid into a client's ear;*
- (b) programming, adjusting or fitting of hearing aids*
- © conducting interviews, examinations or evaluations relating to hearing or hearing loss;*
- (d) conducting any activity involving direct physical contact with a client and a hearing related procedure or instrument.*

*Compliance with federal regulations; waiver by client of medical evaluation.*

*1. If a dispensing audiologist or hearing aid specialist offers a client a waiver to the medical evaluation as authorized by 21 C.F.R. § 801.421, the licensee shall:*

- (a) Verbally explain the waiver to the client before the client signs the waiver; and*
- (b) Provide the written waiver on a form separate from any other form which the client is required to sign.*

*Minimum procedures on prospective candidates for hearing aids; exception.*

*1. Except as otherwise provided in subsection 3, a licensee 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, 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) Effective masking, when applicable.*
  - (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. The licensee 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 licensee with complete results of the required tests which have been given within the previous 6 months by a qualified tester who is licensed pursuant to chapter 637B of NRS.*

*Health care records.*

- 1. Each speech-language pathologist, audiologist and hearing aid specialist shall prepare and maintain health care records for each client he or she treats, pursuant to NRS 629.051*
- 2. Each dispensing audiologist or hearing aid specialist must include in the health care record maintained pursuant to subsection 1:*
  - (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 date of return or attempted return of a 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 as authorized by 21 C.F.R. § 801.421.*

***5. As used in this section, “health care records” include records of fitting, servicing or dispensing of hearing aids.***

**NAC 637B.042 Professional responsibility.** (NRS 637B.150, 637B.220) 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 or speech pathology~~ ***speech-language pathology, audiology or the fitting and dispensing of 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 or speech pathology~~ ***speech-language pathology, audiology or the fitting and dispensing of 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 or speech pathology~~ ***speech-language pathology, audiology or the fitting and dispensing of 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 or speech pathology~~ ***speech-language pathology, audiology or the fitting and dispensing of 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 or speech pathology~~ ***speech-language pathology, audiology or the fitting and dispensing of hearing aids***.
10. Shall critically examine and keep current with emerging knowledge relevant to the practice of ~~audiology or speech pathology~~ ***speech-language pathology, audiology or the fitting and dispensing of hearing aids***.

11. Based upon recognized knowledge and standards for the practice of ~~audiology or speech pathology~~ *speech-language pathology, audiology or the fitting and dispensing of 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 or speech pathology.

*Professional Responsibilities, dispensing audiologist and hearing aid specialist 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 a bill of sale which includes:*
  - (a) The name of the licensee, the address of the principal place of business of the licensee and the number of the license of the licensee.*
  - (b) A description of the make, model and serial number of the hearing aid.*
  - (c) The amount charged for the hearing aid;*
  - (d) The condition of the hearing aid, indicating whether it is new, used or reconditioned.*
  - (e) Any accessories provided with the hearing aid;*
  - (f) An itemization of any amount to be deducted from any refund.*
  - (g) The name of the person or entity responsible for providing a refund.*
  - (h) The business hours, location and manner in which a hearing aid can be returned.*
- 3. Provide to each person who purchases a hearing aid a written guarantee that the person may return the hearing aid:*
  - (a) Within 30 calendar 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 calendar 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 not later than 21 calendar days after the hearing aid is delivered to the person.*
- 5. The licensee shall provide the person with a refund within 30 calendar days after the hearing aid and all accessories which accompanied the hearing aid are returned to the licensee in the same condition as they were received.*

**NAC 637B.044 Responsibility to client. (NRS 637B.150, 637B.220)**

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 or speech pathology~~ *speech-language pathology, audiology or the fitting and dispensing of 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.

**NAC 637B.046 Grounds for disciplinary action: Unprofessional conduct. (NRS 637B.150, 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 *speech-language pathology, audiology or the fitting and dispensing of 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.

*Acts constituting unprofessional conduct.*

*In addition to those acts specified in (Sec 53 NRS 637B.250 subsection 2), the following acts, among others, constitute “unprofessional conduct”:*

- 1. Engaging in the practice of speech-language pathology, audiology or the fitting and dispensing of hearing aids when unable to do so with reasonable skill and safety to patients because of the licensee’s use of alcohol or any controlled substance, or because of any mental or physical condition or illness suffered by the licensee;*
- 2. Being guilty of negligence in the performance of speech-language pathology, audiology or the fitting and dispensing of hearing aids;*
- 3. Allowing another person to use the license issued to the licensee;*
- 4. Failing to report or otherwise concealing information related to a violation of this chapter or NRS 637B which could result in harm to the public health and welfare;*
- 5. Intentionally making or filing a false or misleading report;*
- 6. Failing to file a report which is required by law or a third person or intentionally obstructing or attempting to obstruct another person from filing such a report;*
- 7. Intentionally harassing, abusing or intimidating a patient, employer, employee, colleague or other person, either physically or verbally, including, but not limited to, sexual harassment, abuse or intimidation;*
- 8. Failing to notify the Board of disciplinary action imposed upon the licensee or applicant for licensure by a regulatory authority in another jurisdiction in which the licensee or applicant currently holds or held a license;*
- 9. Divulging, without the consent of the patient, information gained within the context of the professional relationship with the patient, unless otherwise required by law;*
- 10. Failing to obtain the informed consent of a patient before engaging in scientific research involving the patient;*

- 11. Referring or appearing to refer a patient to a third person to receive a fee or other consideration from the third person;*
- 12. Advertising in a manner that tends to deceive or mislead the public;*
- 13. Making false statements, providing false information or omitting pertinent information in connection with an application for licensure or renewal of a license;*
- 14. Misrepresenting or falsifying credentials, including, but not limited to, those relating to education, training, experience and areas of competency;*
- 15. Practicing or offering to practice beyond the scope authorized by law;*
- 16. Performing professional services which the licensee knows he or she is not competent to perform;*
- 17. Making a false or misleading statement or representation in the advertisement or solicitation of services;*
- 18. Knowingly advertising a model or type of hearing aid for sale when that model or type cannot be purchased by members of the general public;*
- 19. Advertising a product or using a name or trademark in a manner which falsely implies that a relationship exists between the licensee and the manufacturer of a product.*

*Continuing education: Generally.*

- 1. Except as otherwise provided in NAC 637B.430, a person with an active or provisional license shall be required to complete continuing education, to the satisfaction of the Board.*
- 2. A person who obtains an active or provisional license within 12 months of graduation from an educational program which is accredited by an agency approved by the Board is not required to obtain any hours of continuing education in order to renew the license for the first time.*
- 3. A listing or documentation of courses completed to meet the requirements for continuing education, must be submitted at the time of submittal of the license renewal application.*

**NAC 637B.400 Requirements for renewal of license; records; audits.** (NRS 637B.150, 637B.210, 637B.220)

1. As a prerequisite for each renewal of *an active or provisional* license ~~to practice audiology or speech pathology~~, a licensee must complete, during the annual period immediately

preceding the renewal of a license , at least 15 hours of continuing education approved by the Board; unless the licensee has been granted a waiver or deferral pursuant to NAC 637B.430.

(a.) *a dispensing audiologist must complete not less than 5 hours of continuing education directly related to the fitting and dispensing of hearing aids.*

2. Legible copies of all receipts, records of attendance, certificates and any other evidence 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.

**NAC 637B.410 Subjects; limitation on acceptance.** (NRS 637B.150, 637B.220)

1. The required education must ~~{be in the subject of audiology or speech pathology or in a related subject, such as:}~~ *directly pertain to the profession(s) in which the person holds a license issued by the Board.*

~~{(a) Special education;~~

~~—(b) Clinical management;~~

~~—(c) Neurology;~~

~~—(d) Psychology;~~

~~—(e) Health sciences;~~

~~—(f) Hearing aids; or~~

~~—(g) The management of a practice.~~

~~2. The Board will accept no more than 8 hours of continuing education in the management of a practice for any one licensing period.}~~

*2. Courses approved by the International Institute for Hearing Instruments Studies, American Academy of Audiology, American Speech-Language-Hearing Association, Academy of Doctors of Audiology or Educational Audiology Association are approved by the Board.*

**NAC 637B.420 Acceptable activities, courses, seminars, workshops and conferences; limitations on credit. (NRS 637B.150, 637B.220)**

1. ~~{Except as otherwise provided in subsection 2,}~~ *In addition to the courses approved in NAC 637B.410*, the Board will accept the following kinds of activities for credit toward fulfilling its requirement for continuing ~~{education if the activities are related to the subjects prescribed in NAC 637B.410}~~:

(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's ~~{s-committee on continuing education}~~.

(f) Completion of an Internet course.

~~{2.—The Board will accept courses, seminars, workshops or conferences in the management of a practice offered by:~~

~~(a) A speech language or hearing association approved by the Board; and~~

~~(b) A college or university approved by the Board.~~

~~□ If a licensee wishes to attend and receive credit for any other, course, seminar, workshop or conference in the management of a practice, the licensee must obtain written approval from the Board's committee on continuing education at least 15 days before the activity, course, seminar, workshop or conference is offered.}~~

*Continuing education: Requests for approval of credit for certain activities.*

*1. The Board will consider a written request of a licensee that it approve credit for any continuing education that is not specified in NAC 637.420 if the request is submitted to the Board prior to the date of renewal of the license.*

*2. If a written request pursuant to subsection 1 is not granted, the Board may grant extra time for the licensee to fulfill any required continuing education that has not been completed.*

**NAC 637B.430 Waiver or deferral of requirements.** (NRS 637B.150, 637B.220) ~~{A licensee may petition the Board for a waiver or deferral of all or part of the required hours of continuing education in a particular year. The Board may grant such a waiver or deferral if it finds the licensee has a hardship or circumstance beyond his or her control which has prevented the licensee from completing the required number of hours of continuing education.}~~

*1. The Board may waive all or part of the requirements for continuing education for a person who holds an active or provisional license if the person:*

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

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

*2. Examples of an extenuating circumstance include, without limitation, extreme:*

*(a) Illness or injury;*

*(b) Financial hardship;*

*(c) Family hardship; or*

*(d) Military Service.*

*3. If a waiver is granted, the unfulfilled requirements for continuing education will be added to the person's requirements for the following year.*

*4. If a waiver is not granted, the Board may grant extra time for the person to fulfill any required continuing education that has not been completed.*