

Chapter 637A of NAC

**ADOPTED TEMPORARY REGULATION OF THE
BOARD OF HEARING AID SPECIALISTS**

LCB File No. T007-13

(Filed with the Secretary of State on April 11, 2013)

Temporary licensing; conversion of temporary license to active license.

1. A person who is currently licensed as a hearing aid specialist and who holds a license that is active and in good standing as a hearing aid specialist issued in another state or territory of the United States may apply to the Board for a temporary license to practice in this state by meeting the following requirements:

- a) The applicant holds a license issued by another state;*
- b) The applicant hold the National Board Certificate, Certificate of Clinical Competence, or a doctoral degree in Audiology;*
- c) Meet the education requirements in NAC 637A.035;*
- d) Have had no disciplinary action or complaints issued against the applicant;*
- e) The applicant would still be required to pass the required licensure exams.*

2. The license or certificate issued by another state is not:

- a) A temporary, permit, an emergency, alternative or conditional license.*

3. A temporary license expires 2 years, on June 30th after the date on which it is issued.

4. A temporary license may not be renewed.

5. A temporary license may be converted to an active license if the person:

- (a) Has no complaints during the 2 year temporary licensing period;*
- (b) Is approved by the Board following the temporary licensing period.*

6. A person who has previously been issued a temporary license may not apply for another temporary license.

7. If an applicant is awarded a temporary license and during the two-year probationary period receive complaints, the Board will deny that applicant full licensure and any future licensure in the State of Nevada.

NEVADA BOARD OF HEARING AID SPECIALISTS

**LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS
REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

LCB File No. T007-13

**NAC 637A – Temporary License; Conversion of Temporary License to Active License for a
Hearing Aid Specialist in the State of Nevada**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 637A:

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Temporary Regulations was sent to approximately 100 individuals. A workshop was held on December 7, 2012. There was public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of temporary regulation was sent to approximately 100 individuals. The public hearing was conducted on February 8, 2013 to provide the opportunity for comments by affected parties and the public. There was public comment. The Board adopted the proposed amendments to the regulations.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 2; First Hearing: 1; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 2; First Hearing: 1; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: N/A

A copy of any written comments may be obtained by contacting Christina Harper, Board Administrator, Nevada Board of Hearing Aid Specialists via e-mail at nvhearingaidbrd@live.com, or in writing to the Nevada Board of Hearing Aid Specialists, P.O. Box 190, Carson City, Nevada 89702.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of November 15, 2012; and the public hearing notice of January 2, 2013. At the December 7, 2012 Workshop to Solicit Comments, there was public comment to the proposed regulation language. At the

February 8, 2013 public hearing there was public comment to the proposed regulation language.

Workshop comments:

- a) Tom Rainford, Nevada licensed Hearing Aid Specialist, expressed concern of how the Board was going to ensure that a licensee from another state has the qualifications and cautioned that the Board has the responsibility to ensure that individuals are well qualified and offered that this has been an issue with licensing in other states. Mr. Rainford stated that licensing in other states does not require anything close to Nevada's requirements and the Board needs to take steps in order to make decisions to ensure that the patient is protected. Mr. Rainford expressed concern with an individual who holds a license in another state, has a complaint filed against him but leave that state before the complaint can be verified, investigated or any action taken. Mr. Rainford stated that if the Board drops the four-year degree requirement for reciprocity, then the Board should also consider dropping the four-year degree requirement for the regular route to licensure.
- b) Ernest Schwendemann, Nevada licensed Hearing Aid Specialist, stated that a college degree requirement does not ensure that an individual is good, ethical person or is a good hearing aid specialist. Mr. Schwendemann added that he has knowledge of an audiologist that failed the practical exam, so a degree does ensure that an individual is qualified to fit and sell hearing aids. Mr. Schwendemann expressed concern and would a hearing aid specialist to be both competent and have ethics/morals. Mr. Schwendemann likes the language of the two-year probationary period and if there are any complaints issues against the temporary license holder, the Board will deny that application full licensure and any future licensure in the State of Nevada. Mr. Schwendemann also suggested that the Board consider accepting the passage of exams from other states, but would need to ensure that the exams in other states are equitable with the exams administered in Nevada; but the individual would be required to take the practical exam.

Public Hearing comment:

- a) Tom Rainford expressed concern that the temporary license will allow for a decreased amount of education requirements for a licensed Hearing Aid Specialist who comes from another state than one that applies for licensure through the regular licensing process. Mr. Rainford stated that he does not have an issue with the removal of the bachelor's degree requirement, but the education requirement level should be the same for the regular, apprentice and this proposed temporary license. Mr. Rainford offered that if an individual has years of hearing aid specialist experience then maybe that could offset the education requirement. Mr. Rainford stated that Nevada has the most stringent licensure requirements in the nation, as most states only require a home study course in order to fit hearing aids.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Christina Harper, Board Administrator, Nevada Board of Hearing Aid Specialists, via e-mail at nvhearingaidbrd@live.com, or in writing to the Nevada Board of Hearing Aid Specialists, P.O. Box 190, Carson City, Nevada 89702.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Nevada Board of Hearing Aid Specialists adopted the proposed temporary regulation language at the public hearing held February 8, 2013. The reason for adopting the proposed temporary regulation is to add a temporary license for individuals who have a hearing aid specialist license, in good standing, and who have the required education and are either nationally board certified, hold a certificate of clinical competence or a doctoral degree in Audiology; in another state for a period of two years. The individual would also have to pass the written and practical exams required by regulation during the two year period. After a two year period, if there have been no verified complaints, the Board would award that individual a full Nevada Hearing Aid Specialist license.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There is an economic effect of the regulation on the business that it regulates as an individual coming in from another state would be able to start working with a license as a hearing aid specialist from another state, proof of the required education and certification required by NAC 637A.035 on approval of the application by the Board.

There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

There is no new fee or increase in an existing fee.