

LCB File No. R020-00

**PROPOSED REGULATION OF THE
BOARD OF HEARING AID SPECIALISTS**

**Nevada State Board of Hearing Aid Specialists
Recommended Changes to Rules and Regulations
(Changes - Additions in *Italics*; Deletions underlined)**

Recommended Changes to Rules and Regulations

NAC 637A.030 Educational requirements shall be amended as follows:

An applicant for a license as a hearing aid specialist or an apprentice to a hearing aid specialist must possess:

1. An associate's degree or higher degree from an accredited college or university in hearing aid technology, audioprosthology, or other curriculum approved by the board which includes the testing of hearing and the dispensing and modification of hearing aids;
2. A ~~[bachelor's degree or higher degree in any field]~~ *high school degree* and satisfactory completion of the independent study course of the National Institute for Hearing Instrument Studies; ~~[or]~~
3. A master's degree *or doctorate* in clinical audiology from an accredited college or university~~[.]; or~~
4. *Licensure or certification in good standing in another state, territory of the United States, or the District of Columbia for five or more years where the licensure qualifications of that state, territory, or the District of Columbia are substantially equivalent to or exceed the licensure qualifications in Nevada.*

~~[Bd. of Hearing Aid Sp., Art. I § 5, eff. 1-4-74]~~-(NAC A 5-12-94; 11-29-95)

NAC 637A.035 Educational requirements shall be amended as follows:

In addition to the educational requirements prescribed by NAC 637A.030, an applicant for a license as a hearing aid specialist ~~[or an apprentice]~~ must:

1. Be certified by the National Board for Certification in Hearing Instrument Sciences; or
2. Obtain a certificate of clinical competence in audiology from the American Speech-Language-Hearing Association.

(Added to NAC by Bd. of Hearing Aid Sp., eff. 11-29-95)

NAC 637A.095 Educational requirements shall be amended as follows:

1. Except as otherwise provided in subsection 3, a licensed hearing aid specialist who is on active or inactive status and a licensed apprentice to a hearing aid specialist who is on active or inactive status must complete 12 hours of continuing education *related to the fitting of hearing aids* each year in a program which has been approved by the board ~~[or]~~, NIHIS, AAA, ASHA, ADA, *or the Educational Audiology Association*. ~~[An hour of continuing education must consist of instruction in a classroom or seminar or some equivalent form of personal instruction. The board will accept instructors and seminars which are approved by the National Institute for Hearing Instrument Studies.]~~

2. For each licensee who holds a license on July 1, 1995, the requirement of continuing education begins on that date. For any other licensee the requirement of continuing education begins on July 1 of the year his license is issued.

3. Upon the written request of a licensee, the board may exempt him from the requirement of continuing education if he cannot meet the requirement because of ill health, military service, or undue hardship.

(Added to NAC by Bd. of Hearing Aid Sp., eff. 1-19-84; A 11-29-95)

NAC 637A.105 Educational requirements shall be amended as follows:

1. A sponsor of an apprentice to a hearing aid specialist must obtain the approval of the board. A sponsor must:

(a) Be licensed as a hearing aid specialist pursuant to the provisions of chapter **637A** of NRS for at least 1 year; and

(b) ~~Be in good standing with the board and~~ Have no record of disciplinary action for at least 3 years.

(c) *Be in good standing with the board.*

2. A hearing aid specialist may not sponsor more than two apprentices at one time.

(Added to NAC by Bd. of Hearing Aid Sp., eff. 11-29-95)

NAC 637A.115 Educational requirements shall be amended as follows:

1. An apprentice to a hearing aid specialist shall complete, under the direct and physical supervision of his sponsor, at least 300 hours of training, not less than 160 hours of which must be as follows:

(a) Twenty-five hours of pure tone air conduction, *masking* bone conduction, and speech audiometry with recorded or live voice;

(b) Twenty-five hours of evaluation of hearing aids, including sound field measurements *and real ear measurements* with recorded and live voice;

(c) Twenty hours of fitting *and counseling* ~~[actual clients]~~ with hearing aids *including verification of fitting*;

(d) Ten hours of earmold orientation, including types of earmolds, terminology, and uses for earmolds;

(e) Fifteen hours of earmold impressions and otoscopic examinations of the ear;

(f) Fifteen hours of troubleshooting of defective hearing aids;

(g) Twenty hours of taking the case history of actual clients;

(h) Ten hours of the laws governing the licensure of persons for fitting and dispensing hearing aids, including the regulations of the Food and Drug Administration and the Federal Trade Commission relating to the fitting and dispensing of hearing aids;

(i) Ten hours of the psychological and social impact of the loss of hearing on clients; and

(j) Ten hours of the appropriate and ethical marketing and sales procedures for hearing aids.

2. A sponsor of an apprentice to a hearing aid specialist shall submit a report to the board each quarter which describes the training completed by the apprentice in the preceding quarter and the supervision of the training by the sponsor.

3. An apprentice to a hearing aid specialist shall not maintain, run, or operate an office or a satellite office in which hearing aids are dispensed.

(Added to NAC by Bd. of Hearing Aid Sp., eff. 11-29-95)

NAC 637A.190 Educational requirements shall be amended as follows:

1. ~~[On his application to the board]~~ Each hearing aid specialist shall state the name and location of the office or place of business where his license will be regularly displayed. The office must be accessible to the public during business hours and must contain adequate equipment and supplies for serving the needs of the licensee's clientele.
2. If the office is a part of a building normally used as a residence, it must be in a space set aside for this purpose only, and have an entrance by which the public may have access to the office without going through any part of the residence.
3. If the office of a licensee is changed from the address shown in the files of the board, the licensee shall file notice thereof with the secretary of the board, together with the new address, within 30 working days after the change. Failure to give notice is cause for suspension of a license by the board.

~~[Bd. of Hearing Aid Sp., Art. IV §§ 1-3, eff. 1-4-74]~~-(NAC A 11-29-95)

NAC 637A.200 Educational requirements shall be amended as follows:

1. Except as otherwise provided in subsection 2, all persons licensed pursuant to chapter **637A** of NRS shall take the pertinent case history of, and perform personally or through proper channels 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. *Proof of calibration of all audiometers used for patient testing to be submitted with license renewal.*
 - (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.

The licensee shall perform each procedure in a proper environment to obtain accurate results.

2. The minimum procedures set forth in subsection 1 are not required if the person supplies the hearing aid specialist 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 the provisions of chapter **637A** or **637B** of NRS.

~~[Bd. of Hearing Aid Sp., Art. XI §§ 1 & 2, eff. 8-15-75]~~-(NAC A 11-29-95)

NAC 637A.220 Educational requirements shall be amended as follows:

1. A person licensed as a hearing aid specialist shall provide information to the board within 30 days after a request for the information is made by the board.
2. A licensee shall not represent himself as an audiologist or other medical professional or use any other term to represent himself which is false or misleading.

3. Unless otherwise provided by the board, a licensee shall provide for the service and repair of each hearing aid he sells or fits.

4. A licensee shall provide to each person supplied with a hearing aid a bill of sale which includes:

(a) The address of the licensee's principal place of business, *licensee name and licensee number*;

(b) A description of the make, model and serial number of the hearing aid;

(c) The amount charged for the hearing aid *and applicable fees in subsection 6*; and

(d) The condition of the hearing aid, indicating whether it is new, used or reconditioned.

5. A licensee shall schedule a minimum of one follow-up visit with each person who purchases a hearing aid during the 30 day period and within 21 days of delivery of the hearing aid.

~~5.1~~ 6. A licensee shall provide to each person who purchases a hearing aid 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 was returned for service or repair during the 30-day period, within 30 days after the hearing aid was serviced or repaired.

Except as otherwise provided in subsection ~~6.1~~ 7, if the hearing aid and all accessories which accompanied the hearing aid are returned to the licensee in the same condition as they were received, the licensee shall provide the person with a refund within 30 days after the hearing aid is returned.

7. If a hearing aid is returned pursuant to subsection ~~5.1~~ 6, a licensee may charge a fee for fitting the person with the hearing aid if the fee is specified in the original agreement between the licensee and the person. Unless a higher fee is authorized by the board, the fee must not exceed \$250 or 20 percent of the purchase price for the hearing aid, whichever is less.

8. A violation of the provisions of this section is a ground for disciplinary action.
(Added to NAC by Bd. of Hearing Aid Sp., eff. 11-29-95; A by R143-97, 3-3-98)

NAC CH.637A is amended to add the following:

“Health Care records” will be any reports, notes, orders or other recorded data or information whether maintained in written, electronic or other form which is received or produced by a licensee or any person employed by him and contains information relating to the medical history, examination, diagnosis or treatment of the patient.

The licensee shall maintain health care records of his patients as part of his regularly maintained records for 5 years after receipt or production. Health care records may be created, authenticated and stored in a computer system which limits access to those records or maintained in any other accessible form.

1. *Health Care records must contain, but may not be limited to the following information:*

(a) *the name, address and telephone number of the client, date of birth, patient's*

age;

(b) *pertinent medical history of the client as it pertains to the client's hearing loss;*

(c) *the dates of fitting, delivery, adjustments made and procedures performed;*

(d) *audiograms;*

- (e) hearing aid specifications and original manufacturer's record from manufacturer to indicate serial number;*
- (f) current settings of each hearing aid;*
- (g) progress and disposition of the case;*
- (h) contract; and*
- (i) FDA waiver or medical clearance.*

2. If a licensee ceases the practice without providing for the continuation of treatment for the client, the board may appoint a person to supervise the records. The person appointed to supervise the records cannot be a licensee of the board or related to a licensee of the board. The records cannot be released to anybody other than patient or the patient's legal representative.

3. The health care records of a patient shall be available for physical inspection by the patient or a representative with written authorization from the patient. Copies requested by the client must be made available within 5 business days, not to exceed .60 cents per page.