

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

LCB FILE R095-19

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 637B.

1. A clear and concise explanation of the need for the adopted regulation.

The need and purpose of the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent speech-language pathologists, audiologists and hearing aid specialists are licensed in the state.

The proposed regulation will provide clarity for the public, individuals and licensees through regulation regarding requirements for the following:

- Clarifies existing regulation language regarding the exemption from licensure by defining “practice within scope of credential” issued by the Department of Education;
- Establishes parameters in existing regulation language on issuing citations to cease and desist and assessing administrative fines for violation of law for practicing without a valid license or endorsement, as well as a waiver of an administrative fine for “good cause”;
- Grants the Board authority to consider requiring applicants take and pass a Jurisprudence Examination as a condition for initial license or reinstatement of an expired license;
- Allows an individual who wishes to reinstate and Apprentice license credit for up to two (2) years of in-service training completed during the initial license period;
- Clarifies existing regulation language to require that a sponsor and an apprentice shall have the same employer.

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

The Notice of Intent to Act Upon a Regulation was sent and posted as follows:

1. Sent via email to the following:

- All Nevada licensed Speech-Language Pathologists, Audiologists, and Hearing Aid Specialists
- All persons on the agency’s mailing list for administrative regulations

2. Posted online at the following sites:

- Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board
Website: www.nvspeechhearing.org
- Nevada Administrative Website: <https://notice.nv.gov/>
- Nevada Legislature Website: <https://www.leg.state.nv.us/App/Notice/A/>

3. *Posted at the following physical locations:*

- State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
- Nevada State Library, Archives and Public Records, 100 North Stewart Street, Carson City, NV 89701
- Office of the Attorney General, 100 North Carson Street, Carson City, NV 89701
- Office of the Attorney General, 5420 Kietzke Lane, Ste 202, Reno, Nevada 89511
- Office of the Attorney General, Grant Sawyer State Office Building, 555 E. Washington Ave #3900, Las Vegas, NV 89101
- Washoe County Clerk, 1001 E. 9th Street, Building A, Reno, NV 89520
- Washoe County Courthouse, 75 Court Street, Reno, NV 89501
- All Nevada County Public Libraries

A Workshop was held to solicit comments on the proposed regulations on January 22, 2020. There were ten (10) individuals representing small business and the public in attendance at the workshop, no written comments were received. The Board's Executive Director received and responded to two (2) written questions prior to the workshop. On March 23, 2020, a Notice of Intent to Act Upon Regulations was issued.

A Public Hearing was held on April 22, 2020; oral comments were heard; there were no written comments received.

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523; phone: (775) 787-3421; email: board@nvspeechhearing.org.

3. **The number of persons who:**

a) Attended each workshop:	Reno/Teleconference	January 22, 2020	10
b) Attended public hearing:	Reno/Teleconference	April 22, 2020	15
c) Testified at hearing:	Reno/Teleconference	April 22, 2020	2
d) Submitted written comments:			2

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

Name: Sarah Adler

Telephone Number: 775.742.3222

Business Address: 204 N. Minnesota Street, Suite A, Carson City, NV 89703

Business Telephone Number: 775.742.3222

Electronic Mail Address: Sarah@ssgr.us

Name of Entity or Organization Represented: Silver State Government Relations

Name: Suzanne Anthony

Telephone Number: Not provided

Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Kelli Hall
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Danielle Knoeppel
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Nancy Kuhles
Telephone Number: 775.772.4831
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Nkuhles119@gmail.com
Name of Entity or Organization Represented: NSHA/NV Coalition

Name: Flor Mallory
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Jessica Medulla
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Jeana Miller
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Ryan Neider
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Neider Hearing LLC

Name: Christine Photakis
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Kim Reddig
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Nicole Sheldon
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Lorena Smith
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

Name: Alex Tanchek
Telephone Number: Not provided
Business Address: 204 N. Minnesota Street, Suite A, Carson City, NV 89703
Business Telephone Number: Not provided
Electronic Mail Address: alex@ssgr.us
Name of Entity or Organization Represented: Silver State Government Relations

Name: Jennifer Van Tress
Telephone Number: Not provided
Business Address: Not provided
Business Telephone Number: Not provided
Electronic Mail Address: Not provided
Name of Entity or Organization Represented: Not provided

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

Comments were solicited from affected businesses in the same manner as they were solicited from the public. No comments were received from businesses.

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523; phone: (775) 787-3421; email: board@nvspeechhearing.org.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopted the regulation on April 22, 2020 and included all changes suggested at the workshop on January 22, 2020. There were no changes suggested at the Public Hearing on April 22, 2020.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Both adverse and beneficial effects; and**

There will be no adverse economic effect of these adopted regulations on small businesses. The Board regulates individuals in the practice of speech-language pathology, audiology and the fitting and dispensing of hearing aids. The adopted regulations will benefit small businesses and the speech-language pathology, audiology and hearing aid dispensing practitioners by providing clarifications to the regulations and providing access to qualified professionals.

- (b) **Both immediate and long-term effects.**

Direct effect will be to improve and clarify existing law and regulatory requirements. Indirectly, small businesses may experience the effect of having more knowledgeable practitioners.

8. **The estimated cost to the agency for enforcement of the adopted regulations.**

There are no additional costs involved in the enforcement of these adopted regulations.

9. **A description of any regulations of other state or government 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.**

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is not aware of any similar federal, state or local standards regulating speech-language pathology, audiology and

hearing aid dispensing professions. These adopted regulations do not duplicate any federal, state or local standards.

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

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

- 11. 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.**

The regulation does not provide for any new or increased fees.