

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

### LCB FILE R064-21

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:

The proposed change revises NAC 637B.400 to reduce, from 15 hours to 10 hours, the total number of hours of continuing education required for the renewal of a license. Of those 10 hours, the revision adds a requirement that at least 1 of the 10 hours relate to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion. If a licensee is a dispensing audiologist, at least 3 of the ten hours must relate directly to the practice of fitting and dispensing hearing aids.

**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.**

A Public Workshop was held to solicit comments on the proposed regulations on January 19, 2022.

Public comment was solicited through the dissemination of a *Notice of Public Workshop* that was sent/posted on January 3, 2022 as follows:

- **EMAILED TO:**
  - All licensed Speech-Language Pathologists, Audiologists, Hearing Aid Specialists
  - All persons on the Board's mailing list for administrative regulations
- **DEPOSITED WITH** the State Library, Archives and Public Records Administrator
- **POSTED AT THE FOLLOWING PHYSICAL LOCATIONS:**
  - State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
- **POSTED ONLINE AT THE FOLLOWING WEBSITES:**
  - Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board  
<https://www.nvspeechhearing.org/about/Minutes.asp>
  - State of Nevada Public Notices: [www.notice.nv.gov](http://www.notice.nv.gov)
  - Nevada Legislature Administrative Regulation Notices, Meetings and Workshops:  
<https://www.leg.state.nv.us/app/notice/a/>

There were nine (9) individuals representing small business and the public in attendance at the workshop. There were no oral comments. Three (3) written comments were received: two (2) in support of the revision and one (1) in support of the revision with a suggestion to add *cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion* as a required training topic.

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 Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

A Public Hearing was held to solicit comments on the proposed regulations on April 21, 2022.  
Public comment was solicited through the dissemination of a *Notice of Intent to Act Upon a Regulation* that was sent/posted on March 17, 2022 as follows:

- **EMAILED TO:**
  - All licensed Speech-Language Pathologists, Audiologists, Hearing Aid Specialists
  - All persons on the Board’s mailing list for administrative regulations
- **DEPOSITED WITH** the State Library, Archives and Public Records Administrator
- **POSTED AT THE FOLLOWING PHYSICAL LOCATIONS:**
  - State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
- **POSTED ONLINE AT THE FOLLOWING WEBSITES:**
  - Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board <https://www.nvspeechhearing.org/about/Minutes.asp>
  - State of Nevada Public Notices: [www.notice.nv.gov](http://www.notice.nv.gov)
  - Nevada Legislature Administrative Regulation Notices, Meetings and Workshops: <https://www.leg.state.nv.us/app/notice/a/>

There were ten (10) individuals representing small business and the public in attendance at the public hearing. There were two (2) oral comments in support of the revision. Three (3) written comments were received: one (1) in support of the revision with a suggestion to change the required number of hours/topics, and two (2) opposed to the revision (see #6 below).

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:  
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Email: board@nvspeechhearing.org Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

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

<b>a) Attended each workshop:</b>	9	January 19, 2022	Reno/Teleconference
<b>b) Attended public hearing:</b>	10	April 21, 2022	Reno/Teleconference
<b>c) Testified at hearing:</b>	2	April 21, 2022	Reno/Teleconference
<b>d) Submitted written comments:</b>	6		

**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: Melissa Fleischmann  
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: Hasmig Karkouzian  
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: Karen Klopfer  
Telephone Number: Not provided  
Business Address: Not provided  
Business Telephone Number: Not provided  
Electronic Mail Address: Not provided  
Name of Entity or Organization Represented: ASHA/CCSD

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: Leala Lierman  
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: Alice Lilly  
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: Kirsten Razzino  
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: NSHA

Name: Verona Sutton-Dunn  
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: Laura Thompson  
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.

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Email: board@nvspeechhearing.org Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

**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 21, 2022 and with the inclusion of training in cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion that was suggested via written public comment at the workshop on January 19, 2022. Three changes were suggested through written public comment at the Public Hearing on April 21, 2022 but not included in the final adopted regulation:

- A comment in support of the change with edits to require that 1/10 hours relate to ethics and 2/10 hours relate to cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion. This came from ASHA who requires 30 hours in a 3 year period, of which 1 must relate to ethics and 2 must relate to cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion. The wording of the written comment appeared to be an error, and it was determined that 3/10 hours in these areas annually would be excessive.
- A comment opposed to the reduction in required annual hours and suggestion that more could be required. The reduction was proposed to align with national and practice certification standards and an increase would not be appropriate.

- A comment opposed to the requirement that 1/10 hours relate to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion due to perceived difficulty in finding training on these topics. It was determined that ample training exists in these areas to meet the requirement.

**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.