

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

LCB FILE NO. R108-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 11/01/2023**

DRAFT Revision to NAC 637B | V1 10/25/2023
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NAC 637B.030

NAC 637B.030 Schedule of fees.

The Board will charge and collect the following fees:

Application fee.....	\$150
Fee for a standard license or provisional license.....	100
Fee for a temporary license.....	50
Fee for a limited license.....	25
Fee for renewal of a standard license or provisional license.....	100
Fee for renewal of <i>an inactive or</i> temporary license.....	50
Reinstatement fee for a standard license or provisional license expired 30 days or more.....	100
Reinstatement fee for a standard license or provisional license expired less than 30 days.....	75
Examination fee.....	200 250
Fee for converting to a different type of license.....	50
Fee for each additional license or endorsement.....	50
Fee for obtaining license information.....	50

NAC 637B.0365(1)(c)

NAC 637B.0365 Reinstatement: Application; proof of completion of continuing education and certification; fees; deadline for submission of application.

1. An applicant for reinstatement of his or her license shall include with the application for reinstatement:
 - (a) Proof satisfactory that the applicant has completed the continuing education that is required of a licensee for the year immediately preceding the application for reinstatement.
 - (b) The fees imposed by the Board pursuant to NRS 637B.175 for the reinstatement of a license

~~[(c) Proof satisfactory of his or her certification by the American Board of Audiology, the American Speech Language Hearing Association or the National Board for Certification in Hearing Instrument Sciences or a successor organization, as applicable.]~~

2. The reinstatement of a license that has been expired for 30 days or more must not be retroactive.
3. An application to reinstate a license must be submitted not later than 3 years after the date on which the license expired.

NAC 637B.0373(5)

NAC 637B.0373 Examination for license to engage in practice of fitting and dispensing hearing aids: Contents; eligibility; passing score; authorization to retake upon payment of fee. (NRS 637B.132, 637B.175, 637B.191, 637B.194)

1. The examination prescribed by the Board pursuant to NRS 637B.194 must consist of a written portion and a practical portion. The examination may also include a portion that tests the familiarity of an applicant with the provisions of this chapter and chapter 637B of NRS

- and all other federal laws and regulations relevant to the practice of fitting and dispensing hearing aids in this State.
2. To be eligible to take the examination set forth in subsection 1, an applicant must:
 - (a) File a completed application with the Executive Director of the Board; and
 - (b) Pay the examination fee prescribed by NAC 637B.030.
 3. The Board will establish the passing score for the examination set forth in subsection 1.
 4. If an applicant does not achieve a passing score on the examination set forth in subsection 1, as established by the Board pursuant to subsection 3, he or she may retake the examination upon payment of the examination fee prescribed by NAC 637B.030.
 5. The Board may approve and accept a passing score obtained on a written examination taken within the immediately preceding ~~[12]~~ 24 months if the examination taken by the applicant was substantially the same as the written portion of the examination prescribed by the Board.

NAC 637B.0385(3)

NAC 637B.0385 Information to be maintained with Board; notices provided to licensee by Board. (NRS 637B.150)

1. Each licensee shall:
 - (a) Maintain with the Board the licensee's current residential address, business address or other contact information, including, without limitation, the telephone number and electronic mail address of the licensee, if available.
 - (b) Notify the Board of any change in the information maintained pursuant to paragraph (a) not later than 30 days after the change.
2. Except as otherwise provided in subsection 3, the Board will provide by United States mail to the last known residential address *or electronic mail address* of the licensee provided pursuant to paragraph (a) of subsection 1 any notice to a licensee that is required by law or regulation.

~~[3. The Board may provide a notice to a licensee by electronic mail upon the prior written consent of the licensee.]~~

NAC 637B.0392(4)

NAC 637B.0392 In-service training for apprentices: Contents and approval of academic training; maintenance of list of approved programs.

1. The academic portion of the in-service training of an apprentice required by NAC 637B.0391 must be specific to the training and education necessary to perform competently the duties and responsibilities necessary for the practice of fitting and dispensing hearing aids and must include, without limitation, training and education concerning:
 - (a) Laws and rules relating to ethics;
 - (b) Federal laws and rules governing hearing aids;
 - (c) Infection controls;
 - (d) Basic hearing science;
 - (e) Hearing instrument science and fitting practices; and
 - (f) Audiometric testing and masking.
2. Except as otherwise provided in subsection 3, a customized program of academic training and a proposed curriculum must be submitted to the Board for evaluation and approval.

3. 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 subsection 1 does not require the approval of the Board.

~~[4. The Board will maintain a list of approved programs of academic training.]~~

NAC 637B.0398(3)

NAC 637B.0398 Duties of sponsor; review of work; direct supervision not required for certain duties; prohibition on operating office or satellite office without approval of Board.
(NRS 637B.132, 637B.194, 637B.235)

1. A sponsor of an apprentice shall:
 - (a) Except as otherwise provided in subsection 3, provide direct supervision to the apprentice;
 - (b) Determine the competency level of the apprentice to perform tasks relating to fitting and dispensing hearing aids;
 - (c) Evaluate the work of the apprentice;
 - (d) Document the training provided to and the direct supervision of the apprentice; and
 - (e) Provide written notification to the Board if:
 - (1) The apprentice is no longer under the sponsorship of the sponsor;
 - (2) The apprentice withdraws from or terminates his or her in-service training;
 - (3) The sponsor withdraws as a sponsor for the apprentice;
 - (4) The apprentice has completed 1 year of in-service training under the direct supervision of the sponsor and the sponsor believes that the apprentice is competent to work without physical on-site supervision; or
 - (5) The apprentice successfully completes all the requirements for in-service training.
2. All work completed by an apprentice must be reviewed daily and signed by the sponsor and the apprentice.
3. An apprentice is not required to be under the direct supervision of a sponsor when performing any of the duties that may be delegated to an office assistant, aide or technician pursuant to subsection ~~4~~ 3 of NAC 637B.0442.
4. An apprentice shall not maintain, run or operate an office or a satellite office in which hearing aids are fitted and dispensed without the approval of the Board.
5. As used in this section, “direct supervision” means:
 - (a) During the first year of the in-service training of an apprentice, being physically on-site at the same location as the apprentice.
 - (b) After the first year of the in-service training of an apprentice and upon attaining the approval of the Board, daily communication with the apprentice without the requirement of being physically on-site at the same location as the apprentice.

NAC 637B.0442

NAC 637B.0442 Delegation of duties by hearing aid specialist, *audiologist*, or dispensing audiologist to *an* unlicensed ~~office~~ assistant~~, aide or technician~~. (NRS 637B.132)

1. *The use of unlicensed assistants is allowed with no requirement for licensure, certification, or*

Registration by the Board. These assistants must work under the direction and supervision of a licensed audiologist, dispensing audiologist, or hearing aid specialist. A licensee supervising an unlicensed assistant assumes full responsibility for all services provided by the assistant.

2. ~~[H]~~ Except as otherwise provided in subsection 2, a hearing aid specialist, audiologist, or dispensing audiologist may delegate certain duties to an ~~[office]~~ assistant~~[-, aide or technician]~~ who is not licensed pursuant to this chapter and chapter 637B of NRS and (who) does not possess the professional or advanced training required for the practice of *audiology or* fitting and dispensing hearing aids if the hearing aid specialist, *audiologist*, or dispensing audiologist determines, before delegating a duty, that the ~~[office]~~ assistant~~[-, aide or technician]~~ possesses the necessary knowledge, competence, training and skills to perform the duty.

3. The duties that may be delegated to an ~~[office]~~ *unlicensed* assistant~~[-, aide or technician]~~ pursuant to

this section include, without limitation:

- (a) Cleaning ~~[a]~~ hearing aids *and amplification devices*;
- (b) Repairing or replacing a broken part of a hearing aid with the same part;
- (c) Replacing a thin tube or dome with a similar size or style;
- (d) Replacing filters;
- (e) Returning to a client a repaired hearing aid that does not require fitting, programming or adjusting;
- (f) Accepting an in-office return of a hearing aid if a receipt is provided to the client to document proof of the return; ~~[and]~~
- (g) Performing clerical, secretarial and general administrative duties, including, without limitation, providing information that is readily available to the general public;
- (h) *Greeting, escorting, and scheduling patients*;
- (i) *Packaging and mailing earmold orders, device repairs, and manufacturer/lab returns*;
- (j) *Maintaining inventories of supplies and checking function of equipment*;
- (k) *Performing checks on hearing aids and other amplification devices*;
- (l) *Performing troubleshooting and minor repairs to hearing aids, earmolds, and other amplification devices*;
- (m) *Performing electroacoustic analysis of hearing aids and other amplification devices*;
- (n) *Instructing patients in proper use and care of hearing aids and other amplification devices*;
- (o) *Demonstrating alerting and assistive listening devices*;
- (p) *Instructing patients in proper ear hygiene*;
- (q) *Assisting licensed audiologists, dispensing audiologists, or hearing aid specialists in treatment programs*;
- (r) *Assisting licensed audiologists, dispensing audiologists, or hearing aid specialists with setup and technical tasks*;
- (s) *Preparing materials for ear impressions*;
- (t) *Maintaining and restocking test and treatment rooms*;
- (u) *Performing equipment maintenance and biological checks*;
- (v) *Conducting hearing and tympanometric screening on older children and adults without interpretation*;
- (w) *Conducting otoacoustic emission screening*;
- (x) *Performing nondiagnostic otoscopy*;
- (y) *Performing pure-tone audiologic reassessment on established patients*;
- (z) *Preparing the patient for VNG/ENG or evoked testing*;

- (aa) Assisting licensed audiologists, dispensing audiologists, or hearing aid specialists in hearing testing of pediatric patients;*
- (bb) Performing pure-tone hearing screening and universal newborn hearing screening tests;*
- (cc) Performing infection control duties within the clinic/service;*
- (dd) Assisting patients in completing case history or other relevant forms;*
- (ee) Interacting with hearing instrument manufacturers/suppliers regarding status of orders/repairs;*
- (ff) Translation/interpretation only if fluent in a language in addition to spoken English and having the necessary training and skills to translate or interpret.*

4. A hearing aid specialist, *audiologist*, or dispensing audiologist shall not delegate any duty to an

~~office~~ *unlicensed* assistant[, *aide or technician*] pursuant to this section that requires professional or advanced training for the practice of *audiology or* fitting and dispensing hearing aids. Duties that may not be delegated pursuant to this section include, without limitation:

- (a) Removing a hearing aid from or placing a hearing aid into a client's ear;*
- (b) Programming, adjusting, or fitting a hearing aid;*
- (c) Conducting an interview, examination or evaluation relating to a client's hearing or hearing loss;*
- ~~and~~
- (d) Conducting any activity involving direct physical contact with a client and a hearing-related procedure or Instrument;*
- (e) Determining case selection or evaluation protocols;*
- (f) Interpreting observations or data into diagnostic statements of clinical management strategies or procedures;*
- (g) Participating in team or case conferences or on any interdisciplinary team, without the presence of the supervising audiologist or an audiologist designated by the supervising audiologist;*
- (h) Writing, developing, or modifying a patient's individualized treatment plan;*
- (i) Assisting with patients without following the treatment plan prepared by the audiologist or without proper supervision;*
- (j) Composing or signing any formal documents such as treatment plans, reimbursement forms, progress notes, or other reports as applicable;*
- (k) Transmitting or disclosing clinical information, either orally or in writing, to anyone, including the patient, without the approval of the supervising hearing aid specialist, audiologist, or dispensing audiologist;*
- (l) Selecting patients for treatment services or discharging patients from treatment services*
- (m) Counseling or consulting with the patient, family, or others regarding the patient status or service or making referrals for additional services; and*
- (n) Referring to themselves either orally or in writing with a title other than one determined by the supervising hearing aid specialist, audiologist, or dispensing audiologist.*

NAC 637B.0444

~~[NAC 637B.0444 Requirements concerning waiver by client of medical evaluation. (NRS 637B.132)~~

~~If a hearing aid specialist or dispensing audiologist offers a client a waiver of the medical evaluation required by 21 C.F.R. § 801.421, the hearing aid specialist or dispensing audiologist shall:~~

- ~~1. Verbally explain the waiver to the client before the client signs the waiver; and~~
- ~~2. Provide the written waiver on a form separate from any other form that the client is required to sign.]~~

NAC 637B.045(2)(i)

NAC 637B.045 Preparation and retention of health care records and other records. (NRS 637B.132)

1. A speech-language pathologist or audiologist shall prepare and retain health care records for each client he or she treats in accordance with NRS 629.051. As used in this subsection, “health care records” has the meaning ascribed to it in NRS 629.021.
2. A hearing aid specialist or dispensing audiologist shall prepare and retain records of fitting, servicing or dispensing a hearing aid for each client he or she treats. The records must be retained for not less than 5 years after the record is prepared and may be created, authenticated and stored in a computer system that limits access to those records or is maintained in any other form which ensures that the records are easily accessible by the hearing aid specialist or dispensing audiologist. Each record must include, without limitation:
 - (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, if applicable, the date of return or attempted return of the 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 required by 21 C.F.R. § 801.421.]~~

NAC 637B.700

~~[NAC 637B.700 Address for written communications and documents to Board. (NRS 637B.132).~~

~~All formal written communications and documents must be addressed to the Board and not to individual members of the Board or its staff.]~~