

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

LCB File No. R050-15

December 22, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1, 2, 5, 6 and 11-14, section 17 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296; §§3 and 8-10, NRS 637B.160, as amended by section 47 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2305, and sections 17 and 18 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296; §4, NRS 637B.100, as amended by sections 44 and 44.5 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at pages 2303 and 2304, and section 17 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296; §7, NRS 637B.160 and 637B.230, as amended by sections 47 and 51, respectively, of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at pages 2305 and 2307, and sections 17 and 18 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296.

A REGULATION relating to professions; revising the requirements to apply for, renew, reinstate or change the status of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; updating certain terms to conform with existing law; providing for the expiration of a standard or provisional license; removing a prohibition on the retroactive reinstatement of certain expired licenses; repealing the adoption by reference of certain standards for ethical conduct; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

In addition to an active license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids, existing law establishes limited, provisional and temporary licenses to practice those professions. (NRS 637B.200, as amended by section 50 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2306; Sections 21 and 22 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2297) **Section 2** of this regulation defines the term “standard license” to mean a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids that is not a provisional license, a temporary license or a limited license.

Assembly Bill No. 115 of the 78th Legislative Session combined the Board of Hearing Aid Specialists with the Board of Examiners for Audiology and Speech Pathology to create the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. (NRS 637B.100, as amended by section 44 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2303; section 72 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2322) **Section 4** of this regulation updates the definition of “Board” to reflect this change. **Sections 5, 6 and 11-13** of this regulation make conforming changes.

Existing law requires the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to evaluate the qualifications and determine the eligibility of an applicant for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. (Section 17 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296) Existing law also requires the Board to adopt regulations prescribing the manner in which such a license must be renewed. Existing law authorizes the Board to: (1) adopt regulations providing for the late renewal of a license or the reinstatement of an expired license; and (2) place a license on inactive status if the holder of the license does not engage in, or represent that he or she is engaged in, the practice of the profession for which he or she is licensed and satisfies certain continuing education requirements. (Section 18 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296) **Section 7** of this regulation requires any person desiring licensure by the Board or desiring to renew, reinstate or convert the status of a license issued by the Board to submit a completed application and the appropriate fee to the Board. **Section 7** also removes certain provisions concerning the method that must be used to pay an application fee and the recovery of money by the Board if a personal check is returned to the Board as the result of insufficient money or a stop payment order. **Section 8** of this regulation: (1) requires an applicant for the issuance, renewal, reinstatement or change of status of a license to submit proof that he or she has met certain requirements, if applicable, with his or her application; and (2) authorizes the Board to request additional information or an oral interview of an applicant.

Section 3 of this regulation prescribes the manner in which: (1) a standard license may be converted to inactive status; (2) a standard license that has been converted to inactive status may be renewed; and (3) a standard license that is on inactive status may be converted to active status. **Section 3** also requires a licensee who holds a license that is on inactive status to comply with the requirements for continuing education that would apply if the license were on active status.

Existing law requires the Board to adopt regulations prescribing: (1) the period for which a license is valid; and (2) the manner in which a license must be renewed. (Section 18 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2296) **Section 9** of this regulation provides that each standard and provisional license expires 1 year after the date on which the license was issued. **Section 9** also requires an application to renew a license to be submitted within 30 days after the date on which the license expired. Finally, **section 9** requires an application to renew the provisional license of a hearing aid specialist for a second time to include proof that the licensee has applied to take the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board.

Section 10 of this regulation authorizes the holder of an expired license to apply for the reinstatement of the license within 3 years after the date on which the license expired. Existing regulations require an applicant to reinstate a license to include in the application proof that the applicant has completed at least 15 hours of continuing education approved by the Board for each year or portion of a year for which the license has been expired. (NAC 637B.0365) **Section 10** removes this requirement and instead requires the applicant to include in the application proof that the applicant: (1) has complied with the requirements for continuing education that would apply if the license were active for the year immediately preceding the date of the application; and (2) is certified as a speech-language pathologist, audiologist or hearing aid specialist, as applicable, by certain organizations that certify such professionals. Additionally, **section 10** removes a prohibition on the retroactive reinstatement of a license that has been expired for 30 days or more.

Existing regulations adopt by reference the “Code of Ethics” of the American Speech-Language-Hearing Association as the standards for ethical conduct of licensed audiologists and speech pathologists. (NAC 637B.040) **Section 14** of this regulation repeals this provision.

Section 1. Chapter 637B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Standard license” means a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids that is not a provisional license, a temporary license or a limited license.*

Sec. 3. 1. *A licensee who holds a standard license that is not suspended, revoked or otherwise restricted may convert his or her license to inactive status by submitting with his or her application to renew the license:*

(a) A written request to convert the license to inactive status; and

(b) An attestation that he or she will no longer practice or represent to others that he or she is authorized to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State after the license has been converted to inactive status.

2. A licensee who holds a standard license that is on inactive status shall comply with the requirements for continuing education that apply to a licensee who holds a standard license that is on active status.

3. *A standard license that is on inactive status must be renewed in the manner prescribed in NAC 637B.035, 637B.0355 and 637B.036.*

4. *A person may convert the status of a standard license from inactive to active at any time by submitting to the Board a written request, an application pursuant to NAC 637B.035 and any materials required pursuant to NAC 637B.0355.*

Sec. 4. NAC 637B.0025 is hereby amended to read as follows:

637B.0025 “Board” means the ~~Board of Examiners for Audiology and Speech~~ *Speech-Language Pathology* ~~+~~, *Audiology and Hearing Aid Dispensing Board.*

Sec. 5. NAC 637B.003 is hereby amended to read as follows:

637B.003 “Client” means a person who receives services from an audiologist ~~for speech~~, *speech-language* pathologist ~~+~~ *or hearing aid specialist.*

Sec. 6. NAC 637B.0045 is hereby amended to read as follows:

637B.0045 “Licensee” means any person who holds a license as an audiologist ~~for speech~~, *speech-language* pathologist *or hearing aid specialist* pursuant to chapter 637B of NRS.

Sec. 7. NAC 637B.035 is hereby amended to read as follows:

637B.035 1. *Any person seeking licensure by the Board or seeking to renew, reinstate or change the type of a license issued by the Board must submit a completed application on a form provided by the Board.*

2. Each ~~completed~~ application ~~for a license as an audiologist or speech pathologist~~ *submitted pursuant to subsection 1* must be accompanied by payment of ~~the appropriate~~ *any* fee ~~If the payment is in the form of a check or money order, the check or money order must be payable to the “Board of Examiners for Audiology and Speech Pathology.”~~

~~2. The Board will accept payment of fees in the following forms:~~

- ~~—(a) Personal check;~~
 - ~~—(b) Money order;~~
 - ~~—(c) Cashier’s check; and~~
 - ~~—(d) Credit card.~~
- ~~—3. The Board will not accept payment of fees in cash.~~
- ~~—4. The Board may recover any charge from a financial institution for a personal check returned to the Board as the result of insufficient money in the account from which the check is drawn or due to a stop-payment order on the check. Not later than 15 days after receiving notice from the Board, the person who submitted the check as payment shall remit to the Board an amount equal to the amount of the original check plus the amount of the charge.] *prescribed by NAC 637B.030.*~~

Sec. 8. NAC 637B.0355 is hereby amended to read as follows:

637B.0355 1. An applicant who is required to provide the Board with:

(a) An official transcript ~~{for the purpose of obtaining a license as an audiologist or speech pathologist}~~ *from an educational program* shall ensure that a sealed, official transcript is:

- (1) Attached to his or her application; or
- (2) Sent directly from the educational ~~{institution}~~ *program* to the Board.

(b) Proof satisfactory of his or her certification by the American Board of Audiology , ~~{or}~~ the American Speech-Language-Hearing Association ~~{}~~ *or the National Board for Certification in Hearing Instrument Sciences*, or a successor organization, shall ensure that a copy of the certification is:

- (1) Attached to his or her application; or
- (2) Sent directly from the certifying organization to the Board.

(c) Proof ~~{satisfactory of his or her clinical competency shall ensure that such proof is sent directly to the Board on a form provided by the Board.~~

~~—(d) Proof satisfactory that he or she passed an examination approved by the Board shall ensure that such proof is sent directly to the Board by the entity that administered the examination.~~

~~—(e) Proof satisfactory of his or her current employment shall ensure that such proof is provided to the Board.~~

~~—(f) Proof satisfactory of the completion of any requirements for continuing education shall ensure that such proof is provided to the Board.}]~~ *of a license obtained in another state, territory or country shall provide such proof for any license presently held and any license held during the 5 years immediately preceding the date of application.*

2. If an applicant ~~{holds or has held a valid license from another state or territory in the United States, the applicant shall ensure that:~~

~~—(a) A copy of each license is attached to his or her application; and~~

~~—(b) Verification of each license held during the 5 years immediately preceding the date of application is sent directly to the Board by the licensing authority.}]~~ *is required to pass an*

examination or complete continuing education for the issuance, renewal, reinstatement or to change the type of a license, the applicant must provide to the Board with his or her application proof that he or she has passed the examination or completed the continuing education, as applicable.

3. An applicant shall include with his or her application any additional information that the Board may require . ~~{for the purpose of reviewing an application.}]~~

4. After an application is submitted to the Board, the Board may require an applicant to provide additional information or appear before the Board or one of its members for an oral interview before issuing, renewing, reinstating or converting the status of a license.

Sec. 9. NAC 637B.036 is hereby amended to read as follows:

637B.036 *1. Each standard and provisional license issued by the Board, including, without limitation, each standard license that has been converted to inactive status, expires 1 year after the date on which the license was issued.*

2. An application to renew a license will not be approved unless the application is submitted not later than 30 days after the date on which the license expired.

*3. An application for renewal of a license as an audiologist and a license as a ~~speech~~ *speech-language* pathologist may be submitted on a single application.*

4. An application for the renewal of a provisional license as a hearing aid specialist for a second time must include proof that the licensee has applied to take the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board.

Sec. 10. NAC 637B.0365 is hereby amended to read as follows:

637B.0365 *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 ~~at least 15 hours of~~ the continuing education ~~approved by the Board for each year or portion of a year for which the license has been expired.~~ 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.230 , *as amended by section 51 of Assembly Bill No. 115, chapter 404, Statutes of Nevada 2015, at page 2307*, 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. The reinstatement becomes effective on the date of the approval of the application for reinstatement.~~ *An application to reinstate a license must be submitted not later than 3 years after the date on which the license expired.*

Sec. 11. NAC 637B.038 is hereby amended to read as follows:

637B.038 1. A licensee shall not *engage in the* practice *of* audiology ~~for speech~~ , *speech-language pathology or fitting and dispensing hearing aids* under any name under which the licensee does not hold a license issued by the Board.

2. If a licensee changes his or her legal name after the issuance of his or her license, the licensee shall submit a copy of a marriage certificate or court decree to the Board not later than 30 days after the change. The Board will, upon receiving sufficient evidence that a licensee has changed his or her legal name, issue a new license with the licensee's legal name thereon.

3. The Board may issue a duplicate license to any licensee who certifies that his or her license has been lost or destroyed.

Sec. 12. NAC 637B.090 is hereby amended to read as follows:

637B.090 All formal written communications and documents must be addressed to the Board ~~{of Examiners for Audiology and Speech Pathology}~~ and not to individual members of the Board or its staff.

Sec. 13. NAC 637B.201 is hereby amended to read as follows:

637B.201 1. When an investigation of an informal complaint conducted pursuant to NAC 637B.191 is complete, the staff, and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint.

2. If the staff, and investigator, if any, determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination.

3. If the staff, and investigator, if any, determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the legal counsel for the Board shall:

(a) In compliance with NRS 622.330, offer mediation, settlement agreements, stipulations of facts and liability or informal hearings; or

(b) Prepare a notice of hearing and a formal complaint.

4. A notice of hearing and a formal complaint must:

(a) Be a plain statement of the facts and applicable provisions of statutes and regulations regarding the alleged acts of the respondent alleged to be in violation of the statutes and regulations governing the practice of audiology ~~{and speech}~~, *speech-language* pathology ~~{;}~~ *and fitting and dispensing hearing aids;*

(b) Include the date, time and place that the Board will hear the matter, if this information is known at the time when the notice of hearing and a formal complaint are sent to the respondent; and

(c) Be signed by the legal counsel for the Board and, if a member of the Board was active in the investigation, by that member of the Board.

5. The staff shall send a notice of hearing and a formal complaint prepared pursuant to subsection 4 to the respondent by certified mail.

Sec. 14. NAC 637B.040 is hereby repealed.

TEXT OF REPEALED SECTION

637B.040 Adoption by reference of “Code of Ethics.” (NRS 637B.150, 637B.220)

1. The “Code of Ethics” of the American Speech-Language-Hearing Association, in effect on January 1, 2003, is hereby adopted by reference as the standards for ethical conduct of licensed audiologists and speech pathologists, except wherever the word “individual” appears, insert the word “licensee” in lieu thereof.

2. A copy of the Code may be obtained at no charge:

(a) From the State of Nevada, Board of Examiners for Audiology and Speech Pathology, P.O. Box 70550, Reno, Nevada 89570-0550; or

(b) By telephone at (775) 857-3500.