

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

**LCB File No. R016-17**

**NEW PROPOSED REGULATION**

*Advisory Committee on Fitting and Dispensing Hearing Aids: Creation; number of members, term.*

*The Advisory Committee on Fitting and Dispensing Hearing Aids is hereby created. The Committee consists of not less than three and not more than five members appointed by the Board for a term of two years. Advisory members may be reappointed to serve additional terms at the discretion of the Board.*

*Advisory Committee on Fitting and Dispensing Hearing Aids: Members; duties; quorum.*

- 1. The Advisory Committee will be composed of the following members:
  - a. At least two (2) Board members; one must be representative of Hearing Aid Specialists and one must be representative of Dispensing Audiologists; and*
  - b. Not more than three (3) advisory members who are hearing aid specialists or dispensing audiologists.**
- 2. Each advisory member of the Committee must be licensed as a hearing aid specialist or dispensing audiologist at the time of his or her appointment and must maintain current licensure with the Board.*
- 3. The Chair of the Advisory Committee shall be a member of the Board.*
- 4. Advisory members serve without compensation.*
- 5. The Advisory Committee shall make recommendations to the Board on all matters relating to the fitting and dispensing of hearing aids, including, but not limited to:
  - a. Regulations for the fitting and dispensing of hearing aids;*
  - b. The Apprenticeship Program for the fitting and dispensing of hearing aids;*
  - c. Examinations and passing scores for the written and practical examinations for the fitting and dispensing of hearing aids; and*
  - d. Investigations of complaints pertaining to fitting and dispensing of hearing aids.**
- 6. A quorum of the Committee is three members, at least one of whom must be a member of the Board.*
- 7.*

**ADMINISTRATIVE PROCEEDINGS General Provisions**

*Conduct of hearings and disciplinary proceedings.*

- 1. Each hearing of a contested case will be conducted in accordance with the provisions of chapter 233B of NRS and, if the hearing concerns a disciplinary proceeding, chapter 622A of NRS.*

*Complaints against licensees.*

1. *Any person who believes that another person licensed by the Board has violated a provision of this chapter or chapter 637B of NRS may file a complaint with the Board on a form provided by the Board.*

2. *The Board may, on its own, initiate a complaint against a person licensed by the Board.*

3. *A complaint must, without limitation:*

(a) *Identify one or more grounds for disciplinary action; and*

(b) *Contain a statement of facts in sufficient detail to enable the Board to understand the allegations.*

4. *The Executive Director of the Board, in consultation with legal counsel, shall review each complaint and decide if the complaint merits an investigation.*

5. *The Executive Director of the Board shall bring before the Board any complaint found to have merit.*

6. *For any proceedings regarding a complaint filed against a hearing aid apprentice, the Board may require that the hearing aid apprentice be accompanied by any hearing aid specialist or dispensing audiologist who signed, dated or reviewed a record regarding a patient related to the complaint.*

*Recovery by Board of attorney's fees and costs. Pursuant to NRS 622.400, the Board may recover from a person reasonable attorney's fees and costs relating to any disciplinary proceedings involving the person.*

*Fees and expenses of witnesses. A witness who participates in a proceeding held by the Board is entitled to receive fees and reimbursement for mileage in the same amounts and under the same conditions as for witnesses in the courts of this state.*

## **PROCEEDINGS BEFORE BOARD**

*Action by Board on its own motion; petition for adoption, amendment or repeal of regulation or for hearing.*

1. *The Board may act on its own motion. Any other request for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board must be submitted to the Board as a petition.*

2. *Any interested person may submit a petition to the Board for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board.*

3. *The petition must be in writing and addressed to the Chair of the Board.*

4. *An original and two legible copies of the petition must be filed with the Board. The Board may, when appropriate, direct that a copy of each petition be made available to any other person who the Board determines may be affected by the petition.*

5. *The petition must contain:*

(a) *The full name and mailing address of the petitioner;*

(b) *If the adoption of a new regulation is proposed, the body or substance of the proposed regulation and the supporting facts and arguments;*

*(c) If the amendment or repeal of an existing regulation is proposed, the NAC citation of the regulation and the supporting facts and arguments;*

*(d) If a formal hearing by the Board is requested, the relevant facts which support the request; and*

*(e) A statement that the petition is made in accordance with the applicable provisions of the NRS.*

*6. The petition must be signed by the petitioner. The signature constitutes a representation by the signer that:*

*(a) He or she has read the petition;*

*(b) To the best of his or her knowledge, information and belief, the statements made therein are true.*

**NAC 637B.090 Address for written communications and documents to Board.** (NRS 637B.150) All formal written communications and documents must be addressed to the Board and not to individual members of the Board or its staff.

~~[R050-15 Adopted 4-4-2016]~~

**NAC 637B.380 Petitions for declaratory orders or advisory opinions.**

1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.

2. A petition for a declaratory order or an advisory opinion must be ~~[in writing and]~~ **submitted in the same manner as a petition for adoption, amendment or repeal of a regulation.**

~~[substantially in the format of Form No. 1.\*]~~

~~\*See adopting agency for form.]~~

**NAC 637B.390 Decision by Board.** (NRS 637B.150)

1. Upon submission of a petition for a declaratory order or an advisory opinion, the Board will, within 90 days, **schedule a meeting to discuss**, grant or deny the petition. ~~[in writing, stating its reasons, or initiate proceedings for adoption of an appropriate regulation.]~~

~~2. A copy of any denial or other correspondence from the Board to the petitioner will be served by mailing a copy thereof to the petitioner.]~~

~~[NAC 637B.050 Scope, construction, deviation and severability. (NRS 637B.150)~~

~~1. NAC 637B.050 to 637B.390, inclusive:~~

~~(a) Govern all practice and procedure before the Board.~~

~~(b) Will be liberally construed to secure a just, speedy and economical determination of all issues presented to the Board.~~

~~2. In special cases, where good cause appears, the Board may permit deviation from NAC 637B.050 to 637B.390, inclusive, insofar as it may find compliance therewith to be impractical or unnecessary.~~

~~3. If any provision of NAC 637B.050 to 637B.390, inclusive, or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions or applications to the extent they can be given effect.~~

~~[Bd. of Exam'rs for Audiology & Speech Path., Rule 1, eff. 2-28-80]—(NAC A by R219-03, 9-16-2004)~~

~~NAC 637B.060 Computation of time. (NRS 637B.150) The time within which any act must be done under NAC 637B.050 to 637B.390, inclusive, is computed by excluding the first day and including the last day unless the last day is Saturday, Sunday or a legal holiday, and then the last day is excluded and the time is extended to the next regular business day.  
[Bd. of Exam'rs for Audiology & Speech Path., Rule 12.1, eff. 2-28-80]~~

~~NAC 637B.080 Additional information. (NRS 637B.150) Additional information with reference to proceedings before the Board or the status of any matter may be secured by applying to the Administrator.  
[Bd. of Exam'rs for Audiology & Speech Path., Rule 12.2, eff. 2-28-80] (NAC A by R219-03, 9-16-2004)~~

### Parties and Representatives

~~NAC 637B.120 Participation by staff. (NRS 637B.150) Members of the Board's staff may appear at any proceeding and exercise all rights of participation as parties to the proceeding.  
[Bd. of Exam'rs for Audiology & Speech Path., Rule 3.7, eff. 2-28-80]~~

~~NAC 637B.130 Appearance by party. (NRS 637B.150) A party may enter his appearance at the beginning of a hearing, or at any time as may be designated by the presiding officer, by giving his name and address and stating his position or interest to the presiding officer. The information must be recorded in the transcript of the hearing.  
[Bd. of Exam'rs for Audiology & Speech Path., Rule 4.1, eff. 2-28-80]~~

~~NAC 637B.135 Attendance and representation of party. (NRS 637B.150)~~

- ~~1. Except as otherwise provided in subsection 2, a party may appear at a hearing in person or by an attorney.~~
- ~~2. A party shall attend a hearing on the merits in person unless the presiding officer waives the requirement of the attendance of the party.~~
- ~~3. In addition to any other disciplinary action, if a party who is required to attend a hearing in person fails to do so without having obtained a waiver of the requirement of his attendance pursuant to subsection 2, the Board may:
  - ~~(a) Determine that his failure to attend the hearing in person shall be deemed:
    - ~~(1) An admission of all matters and facts contained in the record with respect to the party; and~~
    - ~~(2) A waiver of the right to an evidentiary hearing; and~~~~
  - ~~(b) Take action based upon the admission or upon any other evidence, including affidavits, without any further notice or a hearing.~~~~
- ~~4. If a party retains an attorney to represent him before the Board, the attorney shall so notify the Board not later than 10 days after he is retained. Thereafter:
  - ~~(a) The attorney shall sign all motions, oppositions, notices, requests and other papers, including requests for subpoenas; and~~
  - ~~(b) The Board will serve all notices, motions, orders, decisions, and any other papers or pleadings upon the attorney.~~~~
- ~~5. An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted~~

~~and entitled to practice before the Supreme Court of Nevada, he must be otherwise authorized to practice law in this State.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.160 Withdrawal of attorney. (NRS 637B.150) Any attorney of record wishing to withdraw from a proceeding before the Board shall, in writing, immediately notify the Board or the presiding officer, the party whom he represented, and any other parties to the proceeding.~~

~~[Bd. of Exam'rs for Audiology & Speech Path., Rule 4.4, eff. 2-28-80]~~

### ~~Pleadings, Motions and Preliminary Proceedings~~

~~NAC 637B.170 Verification, amendment and construction of pleadings. (NRS 637B.150)~~

- ~~1. All pleadings, except complaints brought on the Board's motion, must be verified.~~
- ~~2. The Board will, when substantial rights of the parties are not violated thereby, allow any pleading to be amended or corrected or any omission therein to be supplied.~~
- ~~3. All pleadings will be liberally construed with a view to effect justice between the parties, and the Board or presiding officer will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.~~

~~[Bd. of Exam'rs for Audiology & Speech Path., Rules 5.1-5.3, eff. 2-28-80]~~

~~NAC 637B.175 Informal complaint: Filing, form and contents of accusation; limited waiver of confidentiality; petition for declaratory order or advisory opinion. (NRS 637B.150)~~

- ~~1. A person may file an accusation with the Board concerning the goods or services provided by a licensee or the activities of a licensee. Such an accusation must be on a form provided by the Board. If a complainant is the client of and is complaining about his treatment by a licensee, the Board will provide the complainant with a form for a limited waiver of confidentiality regarding his records which the complainant must sign and return to the Board. Such an accusation will not be further reviewed or processed by the staff or legal counsel until the signed limited waiver is received by the staff.~~
- ~~2. A complainant shall include in the accusation information that is sufficiently detailed so as to enable the respondent to prepare a response.~~
- ~~3. The Board will initially consider any accusation regarding a licensee as an informal complaint.~~
- ~~4. Except as otherwise provided in NRS 233B.120, a petition filed pursuant to NRS 233B.120 may be processed as an informal complaint.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.181 Informal complaint: Examination by staff; notice to respondent. (NRS 637B.150)~~

- ~~1. Upon receipt of an informal complaint filed pursuant to NAC 637B.175, the staff shall examine the informal complaint to determine whether it:
  - ~~(a) Has been properly verified; and~~
  - ~~(b) Alleges sufficient facts to warrant further proceedings.~~~~
- ~~2. If the staff determines that the informal complaint has been properly verified and alleges sufficient facts to warrant further proceedings, the staff shall notify the respondent by sending a copy or a summary of the informal complaint by certified mail to the respondent.~~

~~3. The notification must set forth the alleged violations of a provision of this chapter or of chapter 637B of NRS arising in the informal complaint and request a response from the respondent for review by the Board before a hearing is set.~~

~~4. The transmission of the copy or summary of the informal complaint shall be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.185 Informal complaint: Response; failure to respond; review by staff. (NRS 637B.150)~~

~~1. Upon the receipt of a copy or summary of an informal complaint that has been filed against him pursuant to NAC 637B.175, the respondent shall submit to the Board a written response to the informal complaint within 15 days after the date on which the informal complaint was served. Service shall be deemed to be complete when a true copy of the document, properly addressed and with postage paid, is deposited with the United States Postal Service.~~

~~2. A response to an informal complaint must:~~

~~(a) Respond to the allegations made in the informal complaint; and~~

~~(b) Be accompanied by all documentation that would be useful to the staff in its review of the allegations made in the informal complaint and the responses made by the respondent to those allegations.~~

~~3. In addition to any other disciplinary action, if the respondent fails to respond as required pursuant to subsection 1, he shall be deemed to have admitted the allegations in the informal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the respondent in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the complaint.~~

~~4. In cases in which a response is filed as required pursuant to subsection 1, the staff shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or other qualified persons in the review and may take any other reasonable action necessary to further the review.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.191 Investigation of informal complaint: Authority of staff; production of records and other evidence. (NRS 637B.150)~~

~~1. After the initial review of the informal complaint and the responses made thereto conducted pursuant to NAC 637B.185, the staff may:~~

~~(a) Investigate the allegations and employ such people as they deem necessary to further the investigations;~~

~~(b) Consult with experts in the appropriate fields, including, without limitation, the employment of such persons for the purposes of an investigation or a hearing;~~

~~(c) Investigate new leads and allegations that may come to their knowledge in the course of the investigation;~~

~~(d) Enlist the aid of a member of the Board or other qualified person in the conduct of the investigation; and~~

~~(e) Take any other reasonable action necessary to further the investigation.~~

~~2. During an investigation of an informal complaint, the staff, or investigator, if any, may demand that a respondent produce his records or other evidence for inspection or copying, with or without prior notice to the respondent and with or without a subpoena. Unless the requested~~

~~records are made confidential pursuant to law, the respondent shall not refuse any such request for records.~~

~~3. If the respondent initially refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend his license until the respondent complies with the request for records or other evidence.~~

~~4. If the respondent continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section after the Board has suspended his license pursuant to subsection 3, the Board may take such further disciplinary action against the respondent as the Board determines necessary.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.195 Investigation of informal complaint: Removal and copying of records or other evidence. (NRS 637B.150)~~

~~1. If the staff, or investigator, if any, determines that a specific record or other specific evidence is material to or necessary for an investigation conducted pursuant to NAC 637B.191, the staff or investigator may remove the record or evidence and provide a copy of the record or evidence to the owner of that record.~~

~~2. If the record or other evidence can be readily copied at the location where the record or evidence is located, the staff or investigator shall make a copy of the record or evidence at that location.~~

~~3. If the record or other evidence cannot be readily copied at the location where the record or evidence is located, the staff or investigator may remove the record or evidence from that location to copy the record or evidence.~~

~~4. If the staff or investigator removes a record or other evidence to be copied pursuant to subsection 3, the staff or investigator shall provide the person to whom the record or evidence being removed belongs with a receipt for the record or evidence and, not later than 5 business days after the record or evidence is removed, provide a copy of the record or evidence to that person.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.201 Investigation of informal complaint: Procedure upon completion; notice of hearing and formal complaint. (NRS 637B.150)~~

~~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, speech language pathology and the fitting and dispensing of 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.~~

~~(R050-15 adopted 4-4-16)~~

~~NAC 637B.205 Formal complaint: Answer; failure to answer. (NRS 637B.150)~~

~~1. A respondent who receives a notice of hearing and a formal complaint pursuant to NAC 637B.201 shall file his answer to the notice of hearing and the formal complaint not later than 15 days after the date on which the notice of hearing and the formal complaint were served. Service shall be deemed to be complete when a true copy of the document, properly addressed and with postage paid, is deposited with the United States Postal Service.~~

~~2. An answer to a notice of hearing and a formal complaint filed by a respondent must include a response to each allegation and statement made in the notice of hearing and the formal complaint by either admitting to or denying the allegation or statement.~~

~~3. In addition to any other disciplinary action, if the respondent fails to file an answer as required pursuant to subsection 1, he shall be deemed to have admitted each allegation and statement contained in the notice of hearing and the formal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the respondent in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the formal complaint.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.211 Formal complaints: Consolidation. (NRS 637B.150) The Board may join two or more formal complaints into one formal complaint if:~~

~~1. The causes of action of each formal complaint are against the same person and deal with substantially the same or similar violations of statutes and regulations; and~~

~~2. The joining of the formal complaints will serve the best interests of the Board, complainants and respondent.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.215 Formal complaint: Exchange of evidence and lists of witnesses. (NRS 637B.150)~~

~~1. Not later than 10 days after a respondent files an answer to a formal complaint pursuant to NAC 637B.205, the legal counsel for the Board and the respondent shall exchange:~~

~~(a) A copy of all documents and other evidence that are reasonably available to the party and that the party reasonably anticipates will be used by the party at the hearing; and~~

~~(b) A written list of all persons who the party reasonably anticipates will be called to testify at the hearing by the party. The list must include the name and address of each potential witness and a general description of the anticipated subject matter of his testimony.~~



~~2.— If, after initially providing the documents and list of witnesses pursuant to subsection 1, a party reasonably anticipates that other documents or witnesses will be used in support of his position, or if any of the documents or information previously provided changes, the party shall supplement and update his submission to the other parties.~~

~~3.— If a party fails to provide documentation or information as required by this section, the presiding officer shall exclude the undisclosed document or the testimony of the witness at the hearing, unless the party seeking to include the document or witness demonstrates to the Board that the evidence or witness was not available upon diligent investigation before the date on which the exchange was required and that the evidence or witness was given or communicated to the other parties immediately after it was obtained.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.221— Discovery; depositions. (NRS 637B.150) Discovery may only be done in accordance with the provisions of NAC 637B.050 to 637B.390. The Board will not allow for the taking of depositions.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.225— Prehearing conference and orders. (NRS 637B.150) The presiding officer may order a prehearing conference and may enter such prehearing orders as the presiding officer determines are appropriate for the efficient conduct of the hearing, including, without limitation:~~

- ~~1. The exchange of written direct testimony of witnesses;~~
- ~~2. The exclusion of particular testimony or evidence;~~
- ~~3. The admission of particular testimony and other exhibits by agreement of the parties;~~
- ~~4. The advance marking of all exhibits;~~
- ~~5.— The exchange by the parties of written prehearing statements or briefs similar to pretrial statements filed in district court; and~~
- ~~6.— Settlement negotiations. Settlement negotiations, and the statements of parties relating thereto, made at a prehearing conference are not admissible in evidence at the hearing unless the parties agree and the agreement is incorporated in a prehearing order.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.231— Motions. (NRS 637B.150)~~

~~1. A motion concerning any matter before the Board must be made in writing, unless the motion is made during the hearing on that matter. The presiding officer may deny as untimely:~~

~~(a) Any motion made during a hearing if the motion could have reasonably been made before the hearing; and~~

~~(b) Any motion that is filed on a date that does not provide the opposing parties a reasonable time to respond.~~

~~2.— A written motion must set forth the nature of the relief sought by and the grounds for the motion.~~

~~3.— A party may oppose a written motion by filing a written response to the motion with the Board and all the parties to the proceeding to which the motion relates within 10 days after the written motion is filed.~~

~~4.— If a written response to a motion is filed, the party who made the motion may file and serve a written reply to the response.~~

~~5. Except as otherwise provided in this section, the presiding officer shall rule on all written motions on a matter at or before the hearing scheduled on the matter. The presiding officer may rule on a motion without oral argument or may allow oral arguments to be made before ruling on the motion. If the presiding officer allows oral arguments on a written motion to be made, the presiding officer shall set a time and date for hearing the oral arguments.~~

~~6. The presiding officer may require the Board to vote to decide a motion.~~

~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.240 Filing and availability of pleadings, motions and other papers. (NRS 637B.150) The original and two legible copies of each pleading, motion or other paper must be filed with the Board. The Board may direct that a copy of each pleading or other document designated by the Board be made available by the party filing it to any other person whom the Board determines may be affected by the proceeding and who desires a copy. [Bd. of Exam'rs for Audiology & Speech Path., Rule 7.1, eff. 2-28-80]~~

~~NAC 637B.260 Proof of service. (NRS 637B.150) With all documents required to be served by the Board, except its decisions and orders, an acknowledgment of service or the following certificate will be included:~~

~~I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to ..... ) (by mailing a copy thereof, properly addressed, with postage prepaid to .....):~~

~~Dated at ....., this .....(day) of .....(month) of .....(year)~~

~~.....  
Signature~~

~~[Bd. of Exam'rs for Audiology and Speech Path., Rule 7.3, eff. 2-28-80]~~

### Hearings

~~NAC 637B.275 Procedure; inclusion of certain documents in record; posthearing briefs. (NRS 637B.150)~~

~~1. The presiding officer shall call the hearing to order and proceed to take the appearances on behalf of the Board or respondent.~~

~~2. The notice of hearing, any petition, answer, response or written stipulation and, if the hearing concerns a disciplinary proceeding, the complaint or any other responsive pleading become a part of the record without being read into the record, unless a party requests that the document be read into the record.~~

~~3. The legal counsel for the Board shall present the evidence for the Board first and, if the Board allows closing arguments, shall present the closing arguments for the Board last.~~

~~4. Unless otherwise ordered by the presiding officer, and except as otherwise provided in this section, the order of presentation is as follows:~~

~~(a) Opening statement by the legal counsel for the Board.~~

~~(b) Opening statement by the respondent or the attorney for the respondent who may choose to make the opening statement at the beginning of the respondent's case.~~  
~~(c) For each witness offered by the legal counsel for the Board:~~  
~~(1) Direct examination by the legal counsel for the Board;~~  
~~(2) Cross-examination by the respondent or the attorney for the respondent;~~  
~~(3) Redirect examination by the legal counsel for the Board;~~  
~~(4) Recross-examination by the respondent or the attorney for the respondent; and~~  
~~(5) Examination by the members of the Board.~~  
~~(d) For each witness offered by the respondent, the same order as for witnesses offered by the legal counsel for the Board.~~  
~~(e) If applicable, closing arguments by the respondent or the attorney for the respondent.~~  
~~(f) If applicable, closing arguments by the legal counsel for the Board.~~  
~~5. A member of the Board may, at any time during the hearing:~~  
~~(a) Question a witness; and~~  
~~(b) Request or allow additional evidence, including additional testimony or documentary evidence.~~  
~~6. A consolidated hearing before the Board will proceed in the same manner as described in this section with the order of the parties and evidence to be determined in the discretion of the presiding officer.~~  
~~7. Posthearing briefs may be allowed by the presiding officer or upon a majority vote of the members of the Board. If such briefs are allowed, the Board will establish a time by when such briefs must be submitted.~~  
~~(Added to NAC by Bd. of Exam'rs for Audiology & Speech Path. by R219-03, eff. 9-16-2004)~~

~~NAC 637B.280 Continuances. (NRS 637B.150)~~

~~1. The Board may before or during a hearing, and upon a proper showing, grant a continuance for submission of additional proof or other reasonable purpose.~~  
~~2. Requests for continuances must be submitted pursuant to NAC 637B.231.~~  
~~[Bd. of Exam'rs for Audiology & Speech Path., Rule 8.7, eff. 2-28-80]—(NAC A by R219-03, 9-16-2004)~~

~~NAC 637B.340 Official notice of Board. (NRS 637B.150) In addition to the facts mentioned in subsection 5 of NRS 233B.123, the Board may take official notice of:~~

~~1. Regulations, official reports, decisions and orders of the Board or any other regulatory agency of the State of Nevada.~~  
~~2. Contents of certificates and permits issued by the Board.~~  
~~3. Any provision of NRS.~~  
~~[Bd. of Exam'rs for Audiology & Speech Path., Rule 8.9, eff. 2-28-80]~~

~~NAC 637B.370 Records of hearings. (NRS 637B.150) Any person desiring a copy of the record of a hearing may obtain it from the Office of the Board, or the official reporter, upon payment of the fees fixed therefor.~~  
~~[Bd. of Exam'rs for Audiology & Speech Path., Rule 8.10, eff. 2-28-80]]~~