



State of Nevada

**Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board**

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**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY  
NRS 233B.0608**

**LCB File No. R064-21 | March 13, 2024**

**1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

It was determined that the proposed regulation did not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. The Board used informed, reasonable judgment in making the determination, due to the nature of the regulation changes. The regulations do the following:

- **Section 1** establishes a fee of \$50 for the renewal of an inactive license and increases the examination fee from \$200 to \$250. **NAC 637B.030**
- **Section 2** removes the requirement for a reinstatement application to include proof of current certification from the American Board of Audiology (AAA), American Speech-Language-Hearing Association (ASHA), or National Board for Certification in Hearing Instrument Sciences (NBC-HIS). **NAC 637B.0365**
- **Section 3** authorizes the Board, under certain circumstances, to approve and accept a passing score on the required written exam for fitting and dispensing hearing aids taken within the immediately preceding 24 months (extended from 12 months). **NAC 637B.0373**
- **Section 4** provides that the Board will provide by mail or electronic mail any notice to a licensee that is required by law or regulation (revised from current requirement for notice by mail). **NAC 637B.0385**
- **Section 5** removes the requirement that the Board maintain a list of approved programs of academic training for Hearing Aid Specialist Apprentices. **NAC 637B.0392**
- **Section 6** makes conforming changes to refer to an unlicensed assistant rather than an office assistant, aide or technician. **NAC 637B.0398**
- **Section 7** revises the requirements for a hearing aid specialist, audiologist or dispensing audiologist to delegate certain duties to an unlicensed assistant as follows: **NAC 637B.0442**
  - (1) Authorizes a hearing aid specialist, audiologist or dispensing audiologist to instead delegate certain duties to an unlicensed assistant;
  - (2) Provides that a hearing aid specialist, audiologist or dispensing audiologist may only delegate duties to an unlicensed assistant that are within the scope of the license or endorsement they hold;
  - (3) Provides that a hearing aid specialist, audiologist or dispensing audiologist is responsible and civilly liable for any negligence or incompetence of an unlicensed assistant in performing a delegated duty; and
  - (4) Prohibits a hearing aid specialist, audiologist or dispensing audiologist from delegating certain duties to an unlicensed assistant that require professional or advanced training for the practice of audiology or fitting and dispensing hearing aids.

- **Section 8** removes obsolete references to repealed federal regulations (per the FDA Final Rule on Over-the-Counter Hearing Aids), which required a medical evaluation or patient waiver to obtain hearing aids. **NAC 637B.045**
- **Section 9** removes obsolete references to repealed federal regulations as described in Section 8 and removes the requirement that all formal written communications and documents be addressed to the Board and not to individual members of the Board or its staff. **NAC 637B.0444 & .700**

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

A summary of the public response to the proposed regulations may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523, (775) 787-3421, or email to [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org).

Copies of the proposed regulations and notices of workshops were sent and posted as follows:

- 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
- Posted online at the following websites:
  - NV Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board [www.nvspeechhearing.org](http://www.nvspeechhearing.org)
  - Nevada Public Notices <https://notice.nv.gov/>
  - Nevada Legislature Administrative Regulation Notices <https://www.leg.state.nv.us/App/Notice/A/>
- Posted at the following physical location: State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board Administrative Office: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
- Deposited with the Nevada State Library, Archives and Public Records

**2. The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small business.**

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the nature of the regulation changes. In making this determination, the Board considered whether or not the practice of speech-language pathology, audiology, and hearing aid dispensing practitioners regulated by the Board will be impacted. On the whole, the speech-language pathology, audiology and hearing aid dispensing practices will not be impacted to any degree that a small business will be affected.

**3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation: (a) Adverse and beneficial effects; and (b) Immediate and long-term effects.**

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board has determined that the adopted regulations do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

- a) Adverse and Beneficial Effects:** 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 following sections will directly benefit small businesses and the speech-language pathology, audiology and hearing aid dispensing practitioners as follows:

- Section 2 removes the requirement for licensees to maintain sometimes costly professional certifications currently required for reinstatement of a license;
- Section 3 extends the length of time within which the Board may accept a passing score on an examination, increasing the number of applicants who may obtain a license more quickly without having to retake an exam;
- Sections 4 and 5 allow the Board to send notices via electronic mail and not maintain academic training program lists, reducing administrative costs to the Board and the demand on the fee revenue received from licensees; and
- Section 7 allows for more permissive delegation of duties by Audiologists, Dispensing Audiologists, and Hearing Aid Specialists to unlicensed assistants, freeing the practitioner to engage in more complex, specialized, and higher revenue activities.

**b) Direct and Indirect Effects:** Direct effect will be to improve and clarify existing law and regulatory requirements. Indirectly, small businesses may experience the effect of more permissive regulations.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the content and nature of the regulation changes. No other methods were utilized.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

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

**6. If the proposed 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.**

**Section 1** establishes a fee of \$50 for the renewal of an inactive license and increases the examination fee from \$200 to \$250. The inactive license fee of \$50 is not new or increased as this is the current fee charged, rather this revision is made to correct and clarify the regulation as the inactive license fee is currently not listed. The examination fee increase from \$200 to \$250 is a result of an increase in cost to the Board beginning in FY25 and increasing each year for the practical exam materials obtained from the International Hearing Society. The increase is within the fee cap established in NRS 637B.175 and compensates the Board for the expense of exam materials, proctor fees, and staff time to schedule and facilitate exams.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is not aware of any similar federal, state or local standards regulating the practice of speech-language pathology, audiology and hearing aid dispensing. These adopted regulations do not duplicate nor are they more stringent than federal, state or local standards. Notably, sections 8 and 9 actually seek to repeal current regulations that are more stringent than federal law as a result of changes to the CFR in 2022.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board regulates the practice of speech-language pathology, audiology and fitting and dispensing of hearing aids and licenses qualified individuals as speech-language pathologists, audiologists and hearing aid specialists. The adopted regulations do not impact small businesses as the majority of the revisions in the regulations are either administrative in nature or are permissive than the current versions.

*I hereby certify to the best of my knowledge or belief a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was properly prepared, and the information contained herein is accurate.*



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Jennifer R. Pierce, Executive Director