

**ADOPTED REGULATION OF THE  
BOARD OF HEARING AID SPECIALISTS**

**LCB File No. R020-00**

Effective September 12, 2000

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

AUTHORITY: §§1-7, NRS 637A.100.

**Section 1.** Chapter 637A of NAC is hereby amended by adding thereto a new section to read as follows:

*1. Each licensee shall prepare and maintain health care records for each client he treats. The records must be maintained for not less than 5 years after the record is prepared. The records may be created, authenticated and stored in a computer system that limits access to those records or is maintained in any other form that ensures that the records are easily accessible by the licensee.*

*2. Each health care record maintained pursuant to subsection 1 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 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;*
- (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 as authorized by 21 C.F.R. § 801.421.*

*3. The board may designate a person to supervise the health care records of a licensee who ceases to practice as a hearing aid specialist and fails to provide for the continuation of treatment for a client. The board will not appoint a person to supervise those records if the person is a licensee or is related to a licensee within the third degree of consanguinity or affinity. The person so appointed shall not disclose or authorize the disclosure of any health care record of a client to any person other than the client or his legal representative.*

*4. The health care records of a client must be available for inspection or copying by the client or a legal representative of the client who presents written authorization issued by the client to inspect and copy the records. A copy of the health care records must be produced within 5 working days after a request is submitted. A licensee may not charge more than 60 cents for each page copied.*

*5. As used in this section, "health care records" means any reports, notes, orders, photographs, X-rays or other recorded data or information whether maintained in written, electronic or other form which is received or produced in the course of testing, servicing or dispensing a hearing aid and which contains information relating to the medical history, examination, diagnosis or treatment of a client.*

**Sec. 2.** NAC 637A.035 is hereby amended to read as follows:

637A.035 In addition to the educational requirements prescribed by NAC 637A.030, an applicant for a license as a hearing aid specialist ~~for an apprentice to a hearing aid specialist~~ must:

1. Be certified by the National Board for Certification in Hearing Instrument Sciences; or
2. Obtain a certificate of clinical competence in audiology from the American Speech-Language-Hearing Association.

**Sec. 3.** NAC 637A.080 is hereby amended to read as follows:

637A.080 Each licensee may file with the secretary of the board before June 30 of each year an application for renewal. No application for renewal will be considered by the board unless it is accompanied by ~~the~~ :

1. *The* annual license fee;
2. *Proof of calibration for each audiometer used by the licensee for the testing of clients;* and ~~proof~~
3. *Proof* that the ~~applicant~~ *licensee* has completed the continuing education requirements prescribed by NAC 637A.095.

**Sec. 4.** NAC 637A.095 is hereby amended to read as follows:

637A.095 1. Except as otherwise provided in subsection 3, a licensed hearing aid specialist who is on active or inactive status and a licensed apprentice to a hearing aid specialist who is on active or inactive status must complete 12 hours of continuing education *relating to the fitting of hearing aids* each year in a program which has been approved by the board ~~[-. An hour of continuing education must consist of instruction in a classroom or seminar or some equivalent form of personal instruction. The board will accept instructors and seminars which are approved by the]~~, National Institute for Hearing Instrument Studies ~~[-]~~, *American Academy of*

*Audiology, American Speech-Language-Hearing Association, Audiological Dispensers Association or Educational Audiology Association.*

2. For each licensee who holds a license on July 1, 1995, the requirement of continuing education begins on that date. For any other licensee the requirement of continuing education begins on July 1 of the year his license is issued.

3. Upon the written request of a licensee, the board may exempt him from the requirement of continuing education if he cannot meet the requirement because of ill health, military service ~~or~~ or undue hardship.

**Sec. 5.** NAC 637A.115 is hereby amended to read as follows:

637A.115 1. An apprentice to a hearing aid specialist shall complete, under the direct and physical supervision of his sponsor, at least 300 hours of training, not less than 160 hours of which must be as follows:

(a) Twenty-five hours of pure tone air conduction, *masking*, bone conduction, and speech audiometry with recorded or live voice;

(b) Twenty-five hours of evaluation of hearing aids, including sound field measurements *and real ear measurements* with recorded and live voice;

(c) Twenty hours of fitting ~~actual~~ *and counseling* clients with hearing aids ~~or~~, *including the verification of fitting*;

(d) Ten hours of earmold orientation, including types of earmolds, terminology, and uses for earmolds;

(e) Fifteen hours of earmold impressions and otoscopic examinations of the ear;

(f) Fifteen hours of troubleshooting of defective hearing aids;

(g) Twenty hours of taking the case history of actual clients;

(h) Ten hours of the laws governing the licensure of persons for fitting and dispensing hearing aids, including the regulations of the Food and Drug Administration and the Federal Trade Commission relating to the fitting and dispensing of hearing aids;

(i) Ten hours of the psychological and social impact of the loss of hearing on clients; and

(j) Ten hours of the appropriate and ethical marketing and sales procedures for hearing aids.

2. A sponsor of an apprentice to a hearing aid specialist shall submit a report to the board each quarter which describes the training completed by the apprentice in the preceding quarter and the supervision of the training by the sponsor.

3. An apprentice to a hearing aid specialist shall not maintain, run, or operate an office or a satellite office in which hearing aids are dispensed.

**Sec. 6.** NAC 637A.200 is hereby amended to read as follows:

637A.200 1. Except as otherwise provided in subsection 2, all persons licensed pursuant to chapter 637A of NRS shall take the pertinent case history of, and perform personally or through proper channels the following minimum procedures *bilaterally* on, each prospective candidate for a hearing aid:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing through an annually calibrated system.

(b) Live voice, if a separate sound treated room is available, or recorded voice audiometry, including speech reception threshold testing, most comfortable and uncomfortable level testing, and speech discrimination testing presented through a speech audiometer.

(c) Effective masking, when applicable.

(d) Before a hearing test and an ear impression is performed, an otoscopic examination of the ear canal in which the tympanic membrane is visualized.

(e) After an ear impression is performed, an otoscopic examination in which the tympanic membrane is visualized.

FLUSH The licensee shall perform each procedure in a proper environment to obtain accurate results.

2. The minimum procedures set forth in subsection 1 are not required if the person supplies the hearing aid specialist with complete results of the required tests which have been given within the previous 6 months by a qualified tester who is licensed pursuant to the provisions of chapter 637A or 637B of NRS.

**Sec. 7.** NAC 637A.220 is hereby amended to read as follows:

637A.220 1. A person licensed as a hearing aid specialist shall provide information to the board within 30 days after a request for the information is made by the board.

2. A licensee shall not represent himself as an audiologist or other medical professional or use any other term to represent himself which is false or misleading.

3. Unless otherwise provided by the board, a licensee shall provide for the service and repair of each hearing aid he sells or fits.

4. A licensee shall provide to each person supplied with a hearing aid a bill of sale which includes:

(a) The *name of the licensee, the* address of the licensee's principal place of business ~~§~~ *and the number of the licensee's license;*

(b) A description of the make, model and serial number of the hearing aid;

(c) The amount charged for the hearing aid ~~§~~ *and, if applicable, the fee described in subsection 7;* and

(d) The condition of the hearing aid, indicating whether it is new, used or reconditioned.

5. A licensee shall provide to each person who purchases a hearing aid a written guarantee that the person may return the hearing aid:

(a) Within 30 days after receipt of the hearing aid; or

(b) If the hearing aid was returned for service or repair during the 30-day period, within 30 days after the hearing aid was serviced or repaired.

FLUSH Except as otherwise provided in subsection ~~6.~~ 7, if the hearing aid and all accessories which accompanied the hearing aid are returned to the licensee in the same condition as they were received, the licensee shall provide the person with a refund within 30 days after the hearing aid is returned.

6. *A licensee shall schedule at least one appointment with each person who purchases a hearing aid. The appointment must take place not later than 21 days after the hearing aid is delivered to the person.*

7. If a hearing aid is returned pursuant to subsection 5, a licensee may charge a fee for fitting the person with the hearing aid if the fee is specified in the original agreement between the licensee and the person. Unless a higher fee is authorized by the board, the fee must not exceed \$250 or 20 percent of the purchase price for the hearing aid, whichever is less.

~~7.~~ 8. A violation of the provisions of this section is a ground for disciplinary action.

## NOTICE OF ADOPTION OF REGULATION

The Nevada State Board of Hearing Aid Specialists adopted regulations assigned LCB File No. R020-00 which pertain to chapter 637A of the Nevada administrative Code on March 11, 2000.

### INFORMATIONAL STATEMENT

**1. A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.**

Notices of workshop was posted at all public county libraries and copies of summary available via U.S. Mail.

**2. The number of persons who: (1) attended each hearing; (2) testified at each hearing; and (3) submitted to the agency written statements.**

Meeting held on December 11, 1999: 16  
Meeting held on March 11, 2000: 32

**3. 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.**

Notice of workshop was posted at all public county libraries and copies of summary available through written request via U>S> mail.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Not applicable.

**5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include: (a) both adverse and beneficial effects; and (b) both immediate and long-term effects.**

The regulation will have no adverse or beneficial economic effect, either immediate or long-term, on the hearing aid specialists in Nevada. The regulation will have no adverse or beneficial economic effect, either immediate or long-term, on the public. The regulations are not intended to have an economic effect. Instead, the regulations are intended to increase the professionalism and accountability to the public of hearing aid specialists and apprentices.

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

No additional cost to the agency for enforcement of the proposed regulation.

**7. 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.**

Not applicable.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

Not applicable.

**9. 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.**

Not applicable.