
SENATE BILL NO. 176—COMMITTEE ON COMMERCE AND LABOR

FEBRUARY 12, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Transfers authority to regulate practice of audiology from board of examiners for audiology and speech pathology to board of audiologists and hearing aid specialists. (BDR 54-854)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to professions; transferring the authority to regulate the practice of audiology from the board of examiners for audiology and speech pathology to the board of audiologists and hearing aid specialists; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 637A of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 10, inclusive, of this act.
3 **Sec. 2.** “***Audiologist***” ***means a person who is licensed by the board***
4 ***pursuant to the provisions of this chapter to engage in the practice of***
5 ***audiology.***
6 **Sec. 3.** “***Licensee***” ***means a person who has been issued a license by***
7 ***the board pursuant to the provisions of this chapter.***
8 **Sec. 4.** “***Practice of audiology***” ***means providing or offering to***
9 ***provide services for the measurement, testing, appraisal, prediction,***
10 ***consultation, counseling, research or treatment of hearing and hearing***
11 ***impairment to modify disorders in communication involving speech,***
12 ***language and hearing.***
13 **Sec. 5.** ***The practice of fitting and dispensing hearing aids and the***
14 ***practice of audiology are hereby declared to be learned professions,***
15 ***affecting public health, safety and welfare and subject to regulation to***
16 ***protect the public from the practice of fitting and dispensing hearing aids***
17 ***and the practice of audiology by unqualified persons and from***

1 *unprofessional conduct by persons who are licensed to engage in the*
2 *practice of fitting and dispensing hearing aids and the practice of*
3 *audiology.*

4 *Sec. 6. 1. An applicant for an examination as an audiologist must*
5 *submit satisfactory evidence to the board that he:*

6 *(a) Is a citizen of the United States, or is lawfully entitled to remain*
7 *and work in the United States;*

8 *(b) Is over the age of 21 years;*

9 *(c) Is of good moral character;*

10 *(d) Has complied with the requirements for education or training and*
11 *experience set forth in subsection 2; and*

12 *(e) Has completed at least 300 hours of supervised clinical experience*
13 *in audiology.*

14 *2. An applicant must possess at least a master's degree in audiology*
15 *from an accredited college or university or possess equivalent training*
16 *and experience. If the applicant wishes to qualify on the basis of*
17 *equivalent training and experience, he must submit satisfactory evidence*
18 *to the board that he has obtained at least 60 semester credits, or*
19 *equivalent quarter credits, in courses related to the normal development,*
20 *function and use of hearing, including, without limitation, the*
21 *management of disorders of hearing and the legal, professional and*
22 *ethical practice of audiology. At least 24 of the 60 credits, excluding any*
23 *credits obtained for a thesis or dissertation, must have been obtained for*
24 *courses directly relating to audiology.*

25 *Sec. 7. The board may issue a license to engage in the practice of*
26 *audiology without examination to a person who:*

27 *1. Holds a license to engage in the practice of audiology in a state*
28 *whose licensing requirements at the time the license was issued are*
29 *deemed by the board to be substantially equivalent to the requirements*
30 *set forth in this chapter;*

31 *2. Holds a certificate of clinical competence issued by the American*
32 *Speech-Language-Hearing Association in audiology;*

33 *3. Is certified by the American Academy of Audiology; or*

34 *4. Has received the degree of Doctor of Audiology.*

35 *Sec. 8. 1. The board shall issue a temporary license to engage in*
36 *the practice of audiology, upon application and the payment of the*
37 *required fee, to a person who is so licensed in another state and who*
38 *complies with the requirements for a license in this state other than*
39 *passing the examination.*

40 *2. A temporary license issued pursuant to this section is valid until*
41 *the board publishes the results of the examination next administered*
42 *after the license is issued.*

1 **Sec. 9. 1. An applicant for a license to engage in the practice of**
2 **audiology must:**

3 **(a) Except as otherwise provided in section 7 of this act, apply for the**
4 **examination in the manner prescribed in section 6 of this act.**

5 **(b) Pass the examination.**

6 **(c) Submit the statement required pursuant to NRS 637A.163.**

7 **(d) Pay the prescribed fees, including, without limitation, the annual**
8 **license fee and the initial license fee prescribed in NRS 637A.210.**

9 **2. If the applicant complies with the requirements of subsection 1,**
10 **the board must issue to the applicant a license to engage in the practice**
11 **of audiology.**

12 **Sec. 10. An audiologist who is not also a physician shall not**
13 **prescribe or administer drugs or pierce or sever any body tissue.**

14 **Sec. 11.** NRS 637A.010 is hereby amended to read as follows:

15 637A.010 This chapter may be cited as the **Audiologists and** Hearing
16 Aid Specialists Act.

17 **Sec. 12.** NRS 637A.020 is hereby amended to read as follows:

18 637A.020 As used in this chapter, unless the context otherwise
19 requires, the words and terms defined in NRS 637A.021 to 637A.024,
20 inclusive, **and sections 2, 3 and 4 of this act** have the meanings ascribed to
21 them in those sections.

22 **Sec. 13.** NRS 637A.021 is hereby amended to read as follows:

23 637A.021 “Board” means the board of **audiologists and** hearing aid
24 specialists.

25 **Sec. 14.** NRS 637A.0221 is hereby amended to read as follows:

26 637A.0221 “Incompetence” means a lack of ability **to practice** safely
27 and skillfully ~~to practice~~ as **an audiologist**, a hearing aid specialist or **an**
28 apprentice to a hearing aid specialist arising from:

29 1. ~~Lack~~ **The lack** of knowledge or training; or

30 2. Impaired physical or mental capability, including the habitual abuse
31 of alcohol or **an** addiction to any illegally obtained controlled substance.

32 **Sec. 15.** NRS 637A.0223 is hereby amended to read as follows:

33 637A.0223 “License” means a license issued by the board pursuant to
34 **the provisions of** this chapter as evidence of a licensee’s qualification to
35 engage in the business of **an audiologist**, a hearing aid specialist or ~~as~~ an
36 apprentice to a hearing aid specialist.

37 **Sec. 16.** NRS 637A.0233 is hereby amended to read as follows:

38 637A.0233 “Negligence” means a deviation from the normal standard
39 of professional care exercised by **audiologists**, hearing aid specialists or
40 apprentices to hearing aid specialists.

1 **Sec. 17.** NRS 637A.025 is hereby amended to read as follows:

2 637A.025 ***The provisions of this chapter do not apply to:***

3 1. ~~{This chapter does not apply to any}~~ A physician ***who is*** licensed to
4 practice medicine in ~~{Nevada nor}~~ ***this state or*** to the hearing aid
5 dispensing program of the Department of Veterans Affairs.

6 2. ~~{This chapter does not apply to any}~~ A person who measures human
7 hearing for any purpose, including the selection of hearing aids, if ~~{such}~~
8 ***that*** person does not dispense hearing aids or accessories.

9 3. ***A person who:***

10 (a) ***Holds a credential as an audiologist issued by the department of***
11 ***education;***

12 (b) ***Is employed as an audiologist by a federal agency or the***
13 ***department of human resources;***

14 (c) ***Is a graduate student intern enrolled in a school or program***
15 ***approved by the board and is pursuing a graduate degree in audiology;***
16 ***or***

17 (d) ***Holds a certificate from the Council on Education of the Deaf as a***
18 ***teacher of the deaf,***
19 ***and who does not engage in the private practice of audiology in this state***
20 ***and does not dispense hearing aids and accessories.***

21 **Sec. 18.** NRS 637A.030 is hereby amended to read as follows:

22 637A.030 The board of ***audiologists and*** hearing aid specialists,
23 consisting of ~~{five}~~ ***six*** members appointed by the governor, is hereby
24 created.

25 **Sec. 19.** NRS 637A.035 is hereby amended to read as follows:

26 637A.035 1. The governor shall appoint ~~{:}~~ ***to the board:***

27 (a) One member who is a physician with a specialty in
28 otorhinolaryngology or otology.

29 (b) One member who is ~~{licensed to engage in the practice of audiology~~
30 ~~pursuant to chapter 637B of NRS.~~

31 ~~{(c) One member who is a hearing aid specialist.~~

32 ~~{(d) Two members who are representatives of the general public and~~
33 ~~have hearing disorders.}~~ ***an audiologist and resides in Carson City or***
34 ***Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral,***
35 ***Pershing, Storey, Washoe or White Pine County.***

36 (c) ***One member who is an audiologist and resides in Clark,***
37 ***Esmeralda, Lincoln or Nye County.***

38 (d) ***One member who is a hearing aid specialist and resides in Carson***
39 ***City or Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon,***
40 ***Mineral, Pershing, Storey, Washoe or White Pine County.***

41 (e) ***One member who is a hearing aid specialist and resides in Clark,***
42 ***Esmeralda, Lincoln or Nye County.***

1 **(f) One member who is a representative of the general public and has**
2 **a hearing disorder.**

3 2. After their initial terms, the members of the board shall serve terms
4 of 3 years.

5 3. ~~[No]~~ A member of the board may **not** be a stockholder of a
6 manufacturer.

7 4. The members of the board serve at the pleasure of the governor.

8 **5. The member who is a representative of the general public shall not**
9 **participate in preparing, conducting or grading any examination**
10 **required by the board.**

11 **Sec. 20.** NRS 637A.100 is hereby amended to read as follows:

12 637A.100 The board shall:

13 1. Administer and enforce the provisions of this chapter.

14 2. Adopt reasonable rules and regulations for its administration and
15 government and for the administration of this chapter.

16 3. Administer and conduct comprehensive examinations of applicants
17 ~~[, which]~~ **that** must test the applicant's fitness to engage in the **practice of**
18 **audiology or the** business of a hearing aid specialist. All examination
19 papers must be kept by the board for at least 1 year after the date of the
20 examination. Examinations ~~[may]~~ **must** be given ~~[at the discretion of the~~
21 ~~board, but]~~ **by the board** not less than twice each year.

22 **Sec. 21.** NRS 637A.110 is hereby amended to read as follows:

23 637A.110 The board may:

24 1. Appoint a technical, clerical and operational staff as may be
25 required. The number of the staff appointed must be limited by the money
26 available for that purpose in the **audiology and** hearing aid licensing fund.

27 2. Grant or refuse licenses for any of the causes specified in **the**
28 **provisions of** this chapter.

29 3. Take disciplinary action against a licensee.

30 4. Take depositions and issue subpoenas for ~~[the purpose of]~~ any
31 hearing authorized by **the provisions of** this chapter.

32 5. Establish reasonable educational requirements for applicants and
33 apprentices and reasonable requirements for the continuing education of
34 **audiologists**, hearing aid specialists and apprentices ~~[.]~~ **to hearing aid**
35 **specialists.**

36 **Sec. 22.** NRS 637A.140 is hereby amended to read as follows:

37 637A.140 An applicant for an examination as a hearing aid specialist
38 must submit satisfactory evidence to the board that ~~[:]~~

39 ~~—1. He is]~~ **he:**

40 **1. Is** a citizen of the United States or is lawfully entitled to remain in
41 the United States.

42 **2. ~~[He is]~~ Is** over 21 years of age.

1 3. ~~{He has met}~~ ***Is of good moral character.***

2 4. ***Has complied with*** the minimum educational requirements
3 established by the board.

4 **Sec. 23.** NRS 637A.150 is hereby amended to read as follows:

5 637A.150 1. Upon receipt by the board of an application for
6 examination or licensure, the secretary shall review it for conformity with
7 the applicable requirements and submit the application to the board at its
8 next scheduled meeting together with his recommendation for approval or
9 disapproval. If the board is satisfied that the information contained in the
10 application is true, that the applicant ~~{meets}~~ ***has complied with*** all
11 applicable requirements and that he has paid the applicable fee, it shall
12 approve the application.

13 2. An application may be disapproved ***by the board*** if the applicant
14 has:

15 (a) Been convicted of fraud or misrepresentation.

16 (b) Been denied similar licensure in another state.

17 (c) Been the subject of disciplinary action by a professional licensing
18 board in this or any other state.

19 (d) Practiced as ***an audiologist or*** a hearing aid specialist without
20 ~~{proper licensure.}~~ ***a license.***

21 (e) Engaged in any other conduct deemed to be unprofessional by the
22 board.

23 3. If the board approves the application, the secretary shall promptly
24 notify the applicant in writing of the approval and, if applicable, of the time
25 and place of examination.

26 4. If the board disapproves the application, the secretary shall promptly
27 notify the applicant in writing of the disapproval, stating the reasons
28 therefor.

29 5. Any applicant for examination whose application is approved by the
30 board may take the examination required in NRS ~~{637A.100.}~~ ***637A.160 or***
31 ***section 9 of this act.***

32 **Sec. 24.** NRS 637A.160 is hereby amended to read as follows:

33 637A.160 1. ~~{Subject to the provisions of NRS 637A.170, any~~
34 ~~person who intends to commence business}~~ ***An applicant for a license*** as a
35 hearing aid specialist must ~~{comply with the following requirements:~~

36 ~~—(a) Make application for examination~~

37 ~~—(b) Take and pass} :~~

38 ***(a) Except as otherwise provided in NRS 637A.170, apply for an***
39 ***examination in the manner prescribed in NRS 637A.140;***

40 ***(b) Pass*** the examination.

41 (c) Submit the statement required pursuant to NRS 637A.163.

42 (d) Pay the prescribed fees, including the annual license fee and the
43 initial license fee prescribed in NRS 637A.210.

2. The license must be issued and delivered by the secretary to the licensee therein named upon compliance by the licensee with the requirements prescribed in subsection 1. ***If the applicant complies with the requirements of subsection 1, the board must issue to the applicant a license as a hearing aid specialist.***

Sec. 25. NRS 637A.163 is hereby amended to read as follows:

637A.163 1. An applicant for ~~{an examination}~~ ***a license or the renewal of a license as an audiologist***, a hearing aid specialist ~~{the renewal of a license as a hearing aid specialist or the issuance or renewal of a license as}~~ or an apprentice to a hearing aid specialist shall submit to the board the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the ~~{examination for or the}~~ issuance or renewal of the license; or

(b) A separate form prescribed by the board.

3. A license as ***an audiologist***, a hearing aid specialist or an apprentice to a hearing aid specialist may not be issued or renewed by the board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 26. NRS 637A.190 is hereby amended to read as follows:

637A.190 ~~{Every}~~ ***Each*** licensee shall display his license conspicuously in each place where he ***engages in the practice of audiology or*** conducts business as a hearing aid specialist or ~~{as}~~ an apprentice to a hearing aid specialist.

Sec. 27. NRS 637A.205 is hereby amended to read as follows:

637A.205 Upon ***a*** written request to the board and ***the*** payment of the applicable fee, a licensee in good standing may have his name and license transferred to an inactive list. Such a licensee shall not engage in the

practice of audiology or the business of hearing aid specialist or ***an*** apprentice to a hearing aid specialist during the time the license is inactive. If an inactive licensee ~~{desires}~~ ***wishes*** to resume ***the practice of audiology or the*** business as a hearing aid specialist or as an apprentice to a hearing aid specialist, the board shall reactivate the license upon the:

1. Demonstration, if deemed necessary by the board, that the licensee is qualified and competent to practice;
2. Completion of an application for reinstatement; and
3. Payment of the fee for renewal of the license.

Payment of the lapsed renewal fee and the renewal fee for any year while the license was inactive is not required.

Sec. 28. NRS 637A.210 is hereby amended to read as follows:

637A.210 The board shall charge fees which must not be greater than the following:

For a license as ***an audiologist or*** a hearing aid specialist:

Application fee.....	\$250
Examination fee	200
Initial license fee.....	100
Annual license fee.....	200
Duplicate license fee.....	20
Inactive status fee	100

For a person who holds a license as an audiologist and a license as a hearing aid specialist:

<i>Application fee</i>	<i>\$250</i>
<i>Annual license fee.....</i>	<i>200</i>
<i>Duplicate license fee</i>	<i>20</i>
<i>Inactive status fee.....</i>	<i>100</i>

For a license as an apprentice to a hearing aid specialist:

Application fee.....	\$250
Annual license fee.....	100
Inactive status fee	100

For all licenses issued by the board:

Lapsed renewal fee per year for each year, or fraction thereof, that the annual license fee has not been paid	\$100
Reinstatement fee.....	100

1 **Sec. 29.** NRS 637A.243 is hereby amended to read as follows:

2 637A.243 1. A hearing aid specialist licensed pursuant to this chapter
3 may sell hearing aids by catalog or mail if:

4 (a) He has received a written statement signed by a physician licensed
5 pursuant to chapter 630 of NRS, an advanced practitioner of nursing
6 licensed pursuant to chapter 632 of NRS ~~[.]~~ **or** an audiologist ~~licensed~~
7 ~~pursuant to chapter 637B of NRS~~ or a hearing aid specialist licensed
8 pursuant to this chapter which verifies that he has performed an otoscopic
9 examination of that person and that the results of the examination indicate
10 that the person may benefit from the use of a hearing aid;

11 (b) He has received a written statement signed by a physician licensed
12 pursuant to chapter 630 of NRS ~~[.]~~ **or an** audiologist **or a hearing aid**
13 **specialist** licensed pursuant to ~~[chapter 637B of NRS or a hearing aid~~
14 ~~specialist licensed pursuant to]~~ this chapter which verifies that he has
15 performed an audiometric examination of that person in compliance with
16 regulations adopted by the board and that the results of the examination
17 indicate that the person may benefit from the use of a hearing aid;

18 (c) He has received a written statement signed by a hearing aid specialist
19 licensed pursuant to this chapter which verifies that an ear impression has
20 been taken; and

21 (d) The person has signed a statement acknowledging that the licensee is
22 selling him the hearing aid by catalog or mail based upon the information
23 submitted by the person in accordance with **the provisions of** this section.

24 2. A hearing aid specialist who sells hearing aids by catalog or mail
25 shall maintain a record of each sale of a hearing aid made pursuant to this
26 section for not less than 5 years.

27 3. The board may adopt regulations to carry out the provisions of this
28 section, including, without limitation, the information which must be
29 included in each record required to be maintained pursuant to subsection 2.

30 **Sec. 30.** NRS 637A.250 is hereby amended to read as follows:

31 637A.250 The board may take disciplinary action against a licensee
32 after a hearing which discloses that the licensee:

33 1. Has been convicted of a felony.

34 2. Has been convicted of violating any of the provisions of NRS
35 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

36 3. Obtained the license by fraud or misrepresentation.

37 4. Has made any false or fraudulent statements concerning **the practice**
38 **of audiology**, hearing aids or the business of hearing aid specialist.

39 5. Has been guilty of negligence, incompetence or unprofessional
40 conduct in his practice as **an audiologist or** a hearing aid specialist. As
41 used in this subsection, "unprofessional conduct" includes, without
42 limitation:

- 1 (a) Conduct which is intended to deceive or which the board by
2 ~~{specific}~~ regulation has determined is unethical;
3 (b) Conduct which is harmful to the public or any conduct detrimental to
4 the public health or safety;
5 (c) Conduct for which disciplinary action was taken by an agency of
6 another state ~~{which is authorized to regulate}~~ **that regulates** the practice of
7 **audiology or** hearing aid specialists; and
8 (d) Knowingly employing, directly or indirectly, any person who is not
9 licensed to ~~{fit or}~~ :

10 (1) **Fit and** dispense hearing aids or whose license to fit ~~{or}~~ **and**
11 dispense hearing aids has been suspended or revoked ~~{-}~~ ; **or**

12 (2) **Engage in the practice of audiology or whose license to engage**
13 **in the practice of audiology has been suspended or revoked.**

14 6. Has loaned or transferred his license to another person.

15 7. Willfully violated any law of this state or any provision of this
16 chapter regulating :

17 (a) **Audiologists or** hearing aid specialists ; or ~~{the}~~

18 (b) **The** operation of an office, store or other location for **the practice of**
19 **audiology or for fitting and** dispensing hearing aids.

20 **Sec. 31.** NRS 637A.253 is hereby amended to read as follows:

21 637A.253 1. If the board receives a copy of a court order issued
22 pursuant to NRS 425.540 that provides for the suspension of all
23 professional, occupational and recreational licenses, certificates and
24 permits issued to a person who is the holder of a license to practice as **an**
25 **audiologist**, a hearing aid specialist or an apprentice to a hearing aid
26 specialist, the board shall deem the license issued to that person to be
27 suspended at the end of the 30th day after the date on which the court order
28 was issued unless the board receives a letter issued to the holder of the
29 license by the district attorney or other public agency pursuant to NRS
30 425.550 stating that the holder of the license has complied with the
31 subpoena or warrant or has satisfied the arrearage pursuant to NRS
32 425.560.

33 2. The board shall reinstate a license to practice as **an audiologist**, a
34 hearing aid specialist or an apprentice to a hearing aid specialist that has
35 been suspended by a district court pursuant to NRS 425.540 if:

36 (a) The board receives a letter issued by the district attorney or other
37 public agency pursuant to NRS 425.550 to the person whose license was
38 suspended stating that the person whose license was suspended has
39 complied with the subpoena or warrant or has satisfied the arrearage
40 pursuant to NRS 425.560; and

41 (b) The person whose license was suspended pays the fee established by
42 the board pursuant to NRS 637A.210 for the reinstatement of a license.

1 **Sec. 32.** NRS 637A.350 is hereby amended to read as follows:
2 637A.350 A person shall not engage in the ***practice of audiology or***
3 ***the*** business of a hearing aid specialist under an assumed name with intent
4 to defraud the public or without a ~~valid~~ license.

5 **Sec. 33.** NRS 637A.352 is hereby amended to read as follows:
6 637A.352 A person shall not engage in the ***practice of audiology or***
7 ***the*** business of a hearing aid specialist unless he:

- 8 1. Holds a license issued by the board; or
- 9 2. Is exempted from the provisions of this chapter by NRS 637A.025.

10 **Sec. 34.** NRS 637A.355 is hereby amended to read as follows:
11 637A.355 A violation of this chapter by any person unlawfully
12 representing himself, or practicing as ~~an~~ ***an audiologist or*** a hearing aid
13 specialist ~~as defined in this chapter~~ may be enjoined by a district court on
14 petition by the board. In ~~any~~ such ***a*** proceeding it is not necessary to show
15 that any person is individually injured. If the respondent is found guilty of
16 misrepresenting himself, or practicing, as ~~an~~ ***an audiologist or*** a hearing
17 aid specialist, the court shall enjoin him from ~~such~~ ***that*** representation or
18 practice ~~unless and~~ until he has been ~~duly~~ licensed as ***an audiologist or***
19 a hearing aid specialist. ~~Procedure in such cases shall~~ ***The procedure in***
20 ***those cases must*** be the same as in any other application for an injunction.
21 The remedy by injunction is in addition to criminal prosecution and
22 punishment.

23 **Sec. 35.** Chapter 637B of NRS is hereby amended by adding thereto a
24 new section to read as follows:

25 ***“Licensee” means a person who has been issued a license by the board***
26 ***pursuant to the provisions of this chapter.***

27 **Sec. 36.** NRS 637B.010 is hereby amended to read as follows:
28 637B.010 The ~~practice of audiology and the~~ practice of speech
29 pathology ~~are~~ ***is*** hereby declared to be ***a*** learned ~~professions,~~
30 ***profession,*** affecting public safety and welfare and charged with the public
31 interest, and ~~are~~ ***is*** therefore subject to protection and regulation by ~~the~~
32 ***this*** state.

33 **Sec. 37.** NRS 637B.020 is hereby amended to read as follows:
34 637B.020 As used in this chapter, unless the context otherwise
35 requires, the words and terms defined in NRS ~~637B.030 to 637B.070,~~
36 ~~inclusive,~~ ***637B.040, 637B.060 and 637B.070 and section 35 of this act***
37 have the meanings ascribed to them in those sections.

38 **Sec. 38.** NRS 637B.040 is hereby amended to read as follows:
39 637B.040 “Board” means the board of examiners for ~~audiology and~~
40 speech pathology.

1 **Sec. 39.** NRS 637B.080 is hereby amended to read as follows:

2 637B.080 The provisions of this chapter do not apply to:

3 1. Any physician or any person who is working with patients or clients
4 under the direct, immediate supervision of a physician and for whom the
5 physician is directly responsible.

6 2. Any **audiologist or** hearing aid specialist who is licensed pursuant to
7 **the provisions of** chapter 637A of NRS and who is acting within the scope
8 of his license.

9 3. Any person who:

10 (a) Holds a ~~{current}~~ credential as ~~{an audiologist or}~~ a speech
11 pathologist issued by the department of education;

12 (b) Is employed as ~~{an audiologist or}~~ a speech pathologist by a federal
13 agency or the department of human resources;

14 (c) Is a graduate student intern enrolled in a program or school approved
15 by the board and is pursuing a graduate degree in ~~{audiology or}~~ speech
16 pathology;

17 (d) Is a registered nurse employed as a school nurse; or

18 (e) Holds a ~~{current}~~ certificate from the Council on ~~{the}~~ Education of
19 the Deaf as a teacher of the deaf,
20 and who does not engage in the private practice of ~~{audiology or of}~~ speech
21 pathology in this state.

22 **Sec. 40.** NRS 637B.100 is hereby amended to read as follows:

23 637B.100 1. The board of examiners for ~~{audiology and}~~ speech
24 pathology, consisting of five members appointed by the governor, is hereby
25 created.

26 2. The governor shall appoint ~~{~~:

27 ~~{(a) Two} to the board:~~

28 ~~{(a) Three}~~ members who have been engaged in the practice of speech
29 pathology for **not less than** 2 years ~~{or more;~~

30 ~~{(b) One member who has been engaged in the practice of audiology for~~
31 ~~2 years or more;~~

32 ~~{(c)}~~;

33 ~~{(b)}~~ One member who is a physician and who is certified by the board of
34 medical examiners as a specialist in otolaryngology, pediatrics or
35 neurology; and

36 ~~{(d)}~~ ~~{(c)}~~ One member who is a representative of the general public.

37 3. Members of the board who are speech pathologists ~~{and~~
38 ~~audiologists}~~ must be representative of the university, public school,
39 hospital or private aspects of the practice of ~~{audiology and of}~~ speech
40 pathology.

1 4. Each member of the board who is a speech pathologist ~~for~~
2 ~~audiologist~~ must hold a ~~current~~ license issued pursuant to this chapter or
3 a ~~current~~ certificate of clinical competence from the American ~~[Speech~~
4 ~~and Hearing]~~ **Speech-Language-Hearing** Association.

5 5. The member **of the board** who is a representative of the general
6 public may not participate in preparing, conducting or grading any
7 examination required by the board.

8 **Sec. 41.** NRS 637B.160 is hereby amended to read as follows:

9 637B.160 1. An applicant for a license to engage in the practice of
10 ~~[audiology or]~~ speech pathology must be issued a license by the board if
11 he:

12 (a) Is over the age of 21 years;

13 (b) Is a citizen of the United States, or is lawfully entitled to remain and
14 work in the United States;

15 (c) Is of good moral character;

16 (d) ~~[Meets]~~ **Has complied with** the requirements for education or
17 training and experience provided by subsection 2;

18 (e) Has completed at least 300 ~~[clock]~~ hours of supervised clinical
19 experience in ~~[audiology or speech pathology, or both;]~~ **speech pathology;**

20 (f) Applies for the license in the manner provided by the board;

21 (g) Submits the statement required pursuant to NRS 637B.166;

22 (h) Passes any examination required by this chapter; and

23 (i) Pays the fees provided for in this chapter.

24 2. An applicant must possess a master's degree in ~~[audiology or in]~~
25 speech pathology from an accredited ~~[educational institution]~~ **college or**
26 **university** or possess equivalent training and experience. If he seeks to
27 qualify on the basis of equivalent training and experience, the applicant
28 must submit to the board satisfactory evidence that he has obtained at least
29 60 semester credits, or equivalent quarter credits, in courses related to the
30 normal development, function and use of speech and language, ~~for~~
31 ~~hearing,]~~ including, but not limited to, the management of disorders of
32 speech ~~for hearing]~~ and the legal, professional and ethical ~~[practices of~~
33 ~~audiology or]~~ **practice of** speech pathology. At least 24 of the 60 credits,
34 excluding any credits obtained for a thesis or dissertation, must have been
35 obtained for courses directly relating to ~~[audiology or]~~ speech pathology.

36 **Sec. 42.** NRS 637B.163 is hereby amended to read as follows:

37 637B.163 An application for ~~[the issuance of]~~ a license to engage in
38 the practice of ~~[audiology or]~~ speech pathology must include the social
39 security number of the applicant.

40 **Sec. 43.** NRS 637B.166 is hereby amended to read as follows:

41 637B.166 1. An applicant for the issuance or renewal of a license to
42 engage in the practice of ~~[audiology or]~~ speech pathology shall submit to

1 the board the statement prescribed by the welfare division of the
2 department of human resources pursuant to NRS 425.520. The statement
3 must be completed and signed by the applicant.

4 2. The board shall include the statement required pursuant to
5 subsection 1 in:

6 (a) The application or any other forms that must be submitted for the
7 issuance or renewal of the license; or

8 (b) A separate form prescribed by the board.

9 3. A license to engage in the practice of ~~audiology or~~ speech
10 pathology may not be issued or renewed by the board if the applicant:

11 (a) Fails to submit the statement required pursuant to subsection 1; or

12 (b) Indicates on the statement submitted pursuant to subsection 1 that he
13 is subject to a court order for the support of a child and is not in
14 compliance with the order or a plan approved by the district attorney or
15 other public agency enforcing the order for the repayment of the amount
16 owed pursuant to the order.

17 4. If an applicant indicates on the statement submitted pursuant to
18 subsection 1 that he is subject to a court order for the support of a child and
19 is not in compliance with the order or a plan approved by the district
20 attorney or other public agency enforcing the order for the repayment of the
21 amount owed pursuant to the order, the board shall advise the applicant to
22 contact the district attorney or other public agency enforcing the order to
23 determine the actions that the applicant may take to satisfy the arrearage.

24 **Sec. 44.** NRS 637B.190 is hereby amended to read as follows:

25 637B.190 The board may issue a license without examination to a
26 person who holds:

27 1. A ~~current~~ license to practice ~~audiology or~~ speech pathology in a
28 state whose licensing requirements at the time the license was issued are
29 deemed by the board to be substantially equivalent to ~~those provided by~~
30 ***the requirements set forth in*** this chapter; or

31 2. A certificate of clinical competence issued by the American ~~Speech~~
32 ~~and Hearing~~ ***Speech-Language-Hearing*** Association in ~~the field of~~
33 ~~practice for which the person is applying for a license.~~ ***speech pathology.***

34 **Sec. 45.** NRS 637B.200 is hereby amended to read as follows:

35 637B.200 1. The board shall issue a temporary license to practice
36 ~~audiology or~~ speech pathology, upon application and the payment of the
37 required fee, to any person who is so licensed in another state and who
38 ~~meets all the qualifications for licensing~~ ***complies with the requirements***
39 ***for a license*** in this state other than passing the examination.

40 2. A temporary license issued pursuant to this section is valid until the
41 board publishes the results of the examination next administered after the
42 license is issued.

Sec. 46. NRS 637B.210 is hereby amended to read as follows:

637B.210 1. All licenses issued pursuant to this chapter, except a temporary license, expire on December 31 of each year.

2. Each holder of a license to practice ~~audiology or~~ speech pathology, except a temporary license, who meets the requirements for continuing education prescribed by the board may renew his license before its expiration upon submission of the statement required pursuant to NRS 637B.166 and payment of the fee for annual renewal of a license.

3. If a licensee fails to submit the statement required pursuant to NRS 637B.166 or pay the fee for annual renewal of his license before its expiration, his license may be renewed only upon the payment of the reinstatement fee in addition to the renewal fee. A license may be renewed pursuant to this subsection only if all fees are paid and the statement required pursuant to NRS 637B.166 is submitted within 3 years after the license has expired.

4. A licensee who wishes to have his license reinstated must prove to the satisfaction of the board that he has ~~met~~ **complied with** the requirements for continuing education prescribed by the board for the period during which his license was expired.

Sec. 47. NRS 637B.220 is hereby amended to read as follows:

637B.220 The board may adopt regulations setting standards for ethical conduct and requiring continuing education as a prerequisite for the renewal of any license issued under this chapter. ~~Any~~ **The** regulations adopted by the board under this section ~~shall~~ **must** establish standards which make reasonably current knowledge the basis for a high standard of practice by ~~audiologists and~~ speech pathologists in this state.

Sec. 48. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The board shall charge and collect only the following fees whose amounts must be determined by the board, but may not exceed:

Application fee for a license to practice speech pathology.....	\$100
Application fee for a license to practice	
audiology.....	100
Annual fee for the renewal of a license	50
Reinstatement fee.....	75

2. All fees are payable in advance and may not be refunded.

Sec. 49. NRS 637B.250 is hereby amended to read as follows:

637B.250 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.
2. Conviction of:

1 (a) A violation of any federal or state law ~~regarding~~ **concerning** the
2 possession, distribution or use of any controlled substance or any
3 dangerous drug as defined in chapter 454 of NRS;

4 (b) A felony;

5 (c) A violation of any of the provisions of NRS 616D.200, 616D.220,
6 616D.240 or 616D.300 to 616D.440, inclusive; or

7 (d) Any offense involving moral turpitude.

8 3. Suspension or revocation of a license to practice ~~audiology or~~
9 speech pathology by any other jurisdiction.

10 4. Gross or repeated malpractice, which may be evidenced by claims of
11 malpractice settled against a practitioner.

12 5. Professional incompetence.

13 **Sec. 50.** NRS 637B.255 is hereby amended to read as follows:

14 637B.255 1. If the board receives a copy of a court order issued
15 pursuant to NRS 425.540 that provides for the suspension of all
16 professional, occupational and recreational licenses, certificates and
17 permits issued to a person who is the holder of a license to engage in the
18 practice of ~~audiology or~~ speech pathology, the board shall deem the
19 license issued to that person to be suspended at the end of the 30th day after
20 the date on which the court order was issued unless the board receives a
21 letter issued to the holder of the license by the district attorney or other
22 public agency pursuant to NRS 425.550 stating that the holder of the
23 license has complied with the subpoena or warrant or has satisfied the
24 arrearage pursuant to NRS 425.560.

25 2. The board shall reinstate a license to engage in the practice of
26 ~~audiology or~~ speech pathology that has been suspended by a district court
27 pursuant to NRS 425.540 if:

28 (a) The board receives a letter issued by the district attorney or other
29 public agency pursuant to NRS 425.550 to the person whose license was
30 suspended stating that the person whose license was suspended has
31 complied with the subpoena or warrant or has satisfied the arrearage
32 pursuant to NRS 425.560; and

33 (b) The person whose license was suspended pays any fees imposed by
34 the board pursuant to NRS 637B.230 for the reinstatement of a license.

35 **Sec. 51.** NRS 637B.290 is hereby amended to read as follows:

36 637B.290 A person shall not engage in the practice of ~~audiology or~~
37 speech pathology in this state without holding a ~~valid~~ license to do so as
38 provided in this chapter.

39 **Sec. 52.** NRS 637B.300 is hereby amended to read as follows:

40 637B.300 ~~An audiologist or~~ A speech pathologist who is not also a
41 physician shall not prescribe or administer drugs or pierce or sever any
42 body tissue.

1 **Sec. 53.** NRS 637B.310 is hereby amended to read as follows:

2 637B.310 1. The board through its president or secretary-treasurer
3 may maintain in any court of competent jurisdiction a suit for an injunction
4 against any person practicing ~~audiology or~~ speech pathology without a
5 license ~~valid under~~ **issued pursuant to the provisions of** this chapter.

6 2. Such an injunction:

7 (a) May be issued without proof of actual damage sustained by any
8 person, this provision being a preventive as well as a punitive measure.

9 (b) ~~Shall~~ **Does** not relieve ~~such~~ **that** person from criminal
10 prosecution for practicing without a license.

11 **Sec. 54.** Section 9 of this act is hereby amended to read as follows:

12 Sec. 9. 1. An applicant for a license to engage in the practice
13 of audiology must:

14 (a) Except as otherwise provided in section 7 of this act, apply
15 for the examination in the manner prescribed in section 6 of this act.

16 (b) Pass the examination.

17 (c) ~~Submit the statement required pursuant to NRS 637A.163.~~

18 ~~—(d)—~~ Pay the prescribed fees, including, without limitation, the
19 annual license fee and the initial license fee prescribed in NRS
20 637A.210.

21 2. If the applicant complies with the requirements of subsection
22 1, the board must issue to the applicant a license to engage in the
23 practice of audiology.

24 **Sec. 55.** NRS 637B.030, 637B.050 and 637B.090 are hereby repealed.

25 **Sec. 56.** 1. Except as otherwise provided in NRS 637B.200, a
26 license to engage in the practice of audiology that is issued by the board of
27 examiners for audiology and speech pathology before July 1, 1999, is valid
28 until December 31, 1999.

29 2. As used in this section, “practice of audiology” has the meaning
30 ascribed to it in section 4 of this act.

31 **Sec. 57.** 1. The regulations adopted by the board of examiners for
32 audiology and speech pathology before July 1, 1999, concerning
33 audiologists and the practice of audiology:

34 (a) Remain in effect until amended by the board of audiologists and
35 hearing aid specialists; and

36 (b) May be enforced by the board of audiologists and hearing aid
37 specialists.

38 2. As used in this section:

39 (a) “Audiologist” has the meaning ascribed to it in section 2 of this act.

40 (b) “Practice of audiology” has the meaning ascribed to it in section 4 of
41 this act.

1 **Sec. 58.** The board of examiners for audiologists and speech
2 pathologists and the board of hearing aid specialists shall cooperate fully
3 and take all reasonable steps before July 1, 1999, to ensure that the
4 provisions of this act are carried out in an orderly fashion.

5 **Sec. 59.** As soon as practicable after July 1, 1999, the governor shall,
6 pursuant to the amendatory provisions of paragraph (a) of subsection 2 of
7 NRS 637B.100, appoint to the board of examiners for speech pathology,
8 one member whose term expires on June 30, 2002.

9 **Sec. 60.** As soon as practicable after July 1, 1999, the governor shall:

10 1. Pursuant to the amendatory provisions of paragraph (b) of
11 subsection 1 of NRS 637A.035, appoint to the board of audiologists and
12 hearing aid specialists, one member whose term expires on June 30, 2001.

13 2. Pursuant to the amendatory provisions of paragraph (d) of
14 subsection 1 of NRS 637A.035, appoint to the board of audiologists and
15 hearing aid specialists, one member whose term expires on June 30, 2002.

16 **Sec. 61.** 1. This section and section 58 of this act become effective
17 upon passage and approval.

18 2. Sections 1 to 53, inclusive and 55, 56, 57, 59 and 60 of this act
19 become effective on July 1, 1999.

20 3. Section 54 of this act becomes effective on the date on which the
21 provisions of 42 U.S.C. § 666 requiring each state to establish procedures
22 under which the state has authority to withhold or suspend, or to restrict the
23 use of professional, occupational and recreational licenses of persons who:

24 (a) Have failed to comply with a subpoena or warrant relating to a
25 procedure to determine the paternity of a child or to establish or enforce an
26 obligation for the support of a child; or

27 (b) Are in arrears in the payment for the support of one or more
28 children,

29 are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

637B.030 “Audiologist” defined. “Audiologist” means any person
who engages in the practice of audiology.

637B.050 “Practice of audiology” defined. “Practice of audiology”
consists of holding out to the public, or rendering, services for the
measurement, testing, appraisal, prediction, consultation, counseling,
research or treatment of hearing and hearing impairment for the purpose of
modifying disorders in communication involving speech, language and
hearing.

637B.090 Use of title “certified hearing aid audiologist.” Nothing in this chapter prohibits the use of the title “certified hearing aid audiologist” by a person who has been so certified by the National Hearing Aid Society.

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