

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE, LABOR AND ENERGY**

**Seventy-Eighth Session
April 29, 2015**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair James A. Settelmeyer at 8:34 a.m. on Wednesday, April 29, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James A. Settelmeyer, Chair
Senator Patricia Farley, Vice Chair
Senator Joe P. Hardy
Senator Becky Harris
Senator Mark A. Manendo
Senator Kelvin Atkinson
Senator Pat Spearman

GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27
Assemblywoman Irene Bustamante Adams, Assembly District No. 42
Assemblywoman Olivia Diaz, Assembly District No. 11
Assemblyman Pat Hickey, Assembly District No. 25

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Policy Analyst
Dan Yu, Counsel
Renee Fletcher, Committee Secretary

OTHERS PRESENT:

Caleb S. Cage, Director of Military and Veterans Policy, Office of the Governor
Keith Lee, Board of Medical Examiners
Michael Hillerby, Board of Dental Examiners of Nevada

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Susan Fisher, State Board of Professional Engineers and Land Surveyors
Lea Tauchen, Retail Association of Nevada
Jaron Hildebrand, Nevada Trucking Association
Mendy Elliot, Chiropractic Physicians' Board of Nevada
Darrol L. Brown, Vietnam Veterans of America; United Veterans Legislative
Council of Northern Nevada
Victoria Carreon, Guinn Center for Policy Priorities
Ira Victor, InfraGard Sierra Nevada Members Alliance
James Elste
Tray Abney, The Chamber
Gary Landry, Executive Director, State Board of Cosmetology
Paula Berkley, Board of Examiners for Audiology and Speech Pathology
Loretta L. Ponton, Executive Director, Board of Examiners for Audiology and
Speech Pathology
Kandis McClure, Nevada Hearing Society

Chair Settlemeyer:

I will now open the hearing on Assembly Bill (A.B.) 89.

ASSEMBLY BILL 89 (1st Reprint): Makes various changes to provisions relating to certain professions. (BDR 53-295)

Caleb S. Cage (Director of Military and Veterans Policy, Office of the Governor):

I have provided written testimony ([Exhibit C](#)), which I will summarize. Throughout 2014, the Office of the Governor, the Department of Veterans Services (DVS), as well as other departments, participated in several policy councils, committees and public meetings to identify the legislative priorities for the 78th Session. Meeting notes and reports were studied to identify recommendations for the Governor to pursue. Assembly Bill 89 combines multiple recommendations from the final reform report.

Employment remains a top priority for Nevada's veteran community. Assembly Bill 89 makes changes to encourage the employment of veterans and their spouses in Nevada. It includes requiring the Department of Employment, Training and Rehabilitation (DETR) to report aggregate unemployment data for veterans on a monthly basis; authorizing private sector employers to prefer hiring veterans and their spouses; providing a general requirement for State licensing boards to develop licensure reciprocity opportunities for service members, veterans and their families who hold licenses that are not currently

recognized by the State of Nevada; and would require relevant state licensure and certification boards to submit annual reports regarding the number of veterans applying for and receiving licensure.

Page 2 of my testimony, [Exhibit C](#), lists the detailed changes in A.B. 89. The first and last provisions regarding data collection are part of an executive branch-wide approach to gathering information for services provided to veterans. This approach would match other bills from the Office of the Governor that require the Nevada System of Higher Education and the Department of Education to provide aggregate information. All data can be combined on an annual basis, to drive policy-making decisions.

The private sector employer section of A.B. 89 has received the most significant changes from the Assembly Committee on Commerce and Labor through amendments, which we believe has made the bill stronger. Because section 2 deals with employment law, there were a few issues that have required additional amendments, listed on page 3 of [Exhibit C](#). Nevada was found to be one of five states that does not have legislation providing for licensure reciprocity for veterans or service members and their families. The Office of the Governor, the DVS, the State emergency medical services certification team, the State Board of Nursing and other licensing boards worked together for more than 1 year to refine policies for exiting military members to transition without reducing professional standards.

An additional amendment defines the word “uniform” used as terminology with an application of a veteran hiring preference policy, which is listed on page 3 of [Exhibit C](#). Fiscal notes from the DETR and the Board of Medical Examiners have been removed.

Chair Settlemeyer:

In section 9, paragraph 5, provisions are inclusive of *Nevada Revised Statutes* (NRS) 630 to 641C and 644. Senate Bill (S.B.) 68, which passed, dealt with opportunities and needs for veterans, as well as critical shortages in certain professions. There was discussion on possibly marrying the two bills to prevent the need for a conference committee to define the bills.

SENATE BILL 68 (1st Reprint): Revises provisions governing professions. (BDR 54-290)

Mr. Cage:

Addressing the credentialing opportunities for professions with critical shortages is an appropriate approach, particularly with the passage of S.B. 68.

Senator Harris:

I need to disclose that my husband is a dentist and a veteran. He is in private practice and therefore would not benefit from A.B. 89. I will check with the Legal Division to make sure there is no conflict of interest. Therefore, I will refrain from any discussion until I receive a response.

Senator Hardy:

An amendment to A.B. 89 has been submitted by Michael Hillerby ([Exhibit D](#)). Is it a friendly amendment?

Mr. Cage:

Yes, the amendment is friendly.

Keith Lee (State Board of Medical Examiners):

The Board of Medical Examiners supports A.B. 89. Senate Bill 251 is a companion bill in terms of reciprocity of licensure; therefore, we will ensure the language is the same in both bills or combine them.

SENATE BILL 251: Ratifies the Interstate Medical Licensure Compact. (BDR 54-576)

Michael Hillerby (Board of Dental Examiners of Nevada):

The Board of Dental Examiners of Nevada supports A.B. 89. As Senator Hardy stated earlier, we have submitted a friendly amendment, [Exhibit D](#), to the original language the Office of the Governor placed within the bill.

Susan Fisher (State Board of Professional Engineers and Land Surveyors):

The State Board of Professional Engineers and Land Surveyors supports A.B. 89. This Board identifies active military personnel who are licensed. We will change our application form to include questions to identify whether an individual is a veteran or the spouse of a military person. The one fee that cannot be discounted is the exam fee administered by a national organization. The exam fee is paid directly to the national organization; therefore, any discount would have to be the decision of that organization.

Lea Tauchen (Retail Association of Nevada):

The Retail Association of Nevada supports A.B. 89. Our members believe every company in America has benefited from the service and sacrifice of our men and women in uniform. When military personnel return home from service, there are businesses within the retail industry who are interested in putting these veterans to work. Section 2 would allow the Retail Association members to legally and voluntarily develop and implement a process to hire veterans and their spouses.

Jaron Hildebrand (Nevada Trucking Association):

The Nevada Trucking Association supports A.B. 89, specifically section 5, which will expedite the process for veterans who have a commercial driver's license, as the trucking industry has a dire need for drivers.

Mendy Elliott (Chiropractic Physicians' Board of Nevada):

The Chiropractic Physicians Board is grateful for this legislation and is in support of A.B. 89.

Darrol L. Brown (Vietnam Veterans of America; United Veterans Legislative Council of Northern Nevada):

The Vietnam Veterans of America and United Veterans Legislative Council of Northern Nevada support A.B. 89 and we encourage the passage of this bill. I am a retired director of the Veterans Employment Service and therefore have expertise and knowledge regarding the language of this bill.

Victoria Carreon (Guinn Center for Policy Priorities):

The Guinn Center for Policy Priorities is neutral on A.B. 89. The Center conducted an analysis of Nevada's mental health workforce and released a report, "*Nevada's Mental Health Workforce: Shortages and Opportunities*". Expediting licensing would help address some of the critical workforce shortages and we agree with chair Settlemeyer's proposal to merge these provisions into S.B. 68, which targets more health professions than A.B. 89.

Section 36 allows active members of the military, veterans and their spouses to receive provisional social worker licenses if they are licensed in states with requirements which are not substantially equivalent to Nevada. A better path would be to streamline Nevada's requirements to accept training and supervision requirements from other states so all persons can obtain full

licenses, as opposed to provisional licenses. Section 36 would keep barriers up within the social worker field and should be amended.

Section 12 allows regulatory bodies in health professions to create reciprocity agreements with other states and allows a provider to practice concurrently in another state besides Nevada. It is important to note this reciprocity agreement applies to all health professions, not just within the veteran community. These provisions will make it difficult for our licensing boards to use, as we do not have the resources to negotiate state-by-state agreements. We believe a better solution is with the interstate licensing compacts pending before the Legislature within S.B. 251 and S.B. 299. I have provided additional information in my written testimony ([Exhibit E](#)).

SENATE BILL 299: Revises provisions relating to providers of health care and insurance coverage for health care services. (BDR 54-238)

Chair Settlemeyer:

I will close the hearing on A.B. 89 and open the hearing on A.B. 173.

ASSEMBLY BILL 173 (1st Reprint): Revises provisions governing private investigators. (BDR 54-758)

Assemblyman Pat Hickey (Assembly District No. 25):

I have submitted written testimony ([Exhibit F](#)); therefore I will be brief. Assembly Bill 173 exempts professionals who provide information security services from licensure as private investigators. Nevada is one of three states requiring licensure of information security providers (ISPs). Private investigators are significantly different from network testing or computer forensics professionals. There are numerous certifications available to ISPs to ensure proper training and competency.

Assembly Bill 173 clarifies that persons performing information security services are not subject to regulation by the Private Investigators' Licensing Board. My testimony, [Exhibit F](#), provides the full definition of "information security" as defined by Title 44 USC. Assembly Bill 173 further defines information security as the restoration of integrity, confidentiality and availability of information systems after a data breach or other security incident. This bill deletes language inserted in NRS 648.012 related to the use of computerized data not available

to the public and specifically excludes persons who provide information security from the definition of private investigator.

Ira Victor (InfraGard Sierra Nevada Members Alliance):

To summarize my written testimony ([Exhibit G](#)), A.B. 173 will correct an unintended consequence. In 2013, the private investigation community requested changes to NRS 648. The changes were intended to prevent out-of-state investigators from working in Nevada without paying the Modified Business Tax, Workers' Compensation and business license fees. However, the changes inadvertently created a requirement for ISPs to become licensed as private investigators. As an information security professional, my work includes practice areas grounded in computer science, as listed in my written testimony [Exhibit G](#).

Assembly Bill 173 will clarify that ISPs perform different work than private investigators. Information security professionals perform computer science work; private investigators perform investigations. This bill will not repeal the requirement for out-of-state private investigators to pay appropriate license fees.

James Elste:

I am here to speak as an information security, or cybersecurity, expert. I am in support of A.B. 173, and have submitted my written testimony ([Exhibit H](#)). My professional background spans more than 25 years. I am the former Chief Information Security Officer for the State and the former Director of Information Security for International Gaming Technology.

Cyber threats to national security and the U.S. economy are increasing in frequency, scale, sophistication and severity of impact. Tom Ridge, former Secretary for the Department of Homeland Security, stated, "Cyber-crime is a clear, present and permanent danger." The National Security Agency has stated, "Cybersecurity is arguably the most important challenge confronting society in the information age." The U.S. Director of National Intelligence has ranked cyber crime as the top national security threat, which is higher than terrorism, espionage and weapons of mass destruction. On April 1, 2015, President Obama issued the third executive order on cybersecurity, declaring a national emergency to target persons engaged in malicious cyber-related activities.

Access to ISPs is critical to protecting the economic and security interests of Nevada. The exclusion for ISPs, as defined in A.B. 173, is an effective way to eliminate any confusion or misinterpretation regarding the services provided by ISPs. Assembly Bill 173 serves the best interests of citizens and businesses, as well as the entire State.

Senator Hardy:

Do you believe that ISPs should be licensed or regulated in some way in case an ISP goes rogue?

Mr. Elste:

There is the potential for anyone who works with technology to go rogue. For anyone crossing the line, he or she is guilty of violating other statutes that define computer crimes. The notion of licensing ISPs does not necessarily preclude an individual from going rogue. Licensing ISPs will deter individuals from entering the market.

Senator Hardy:

Which department handles individuals who have gone rogue?

Mr. Elste:

The local police department or the FBI will investigate computer crime. An information security practitioner can investigate technology systems to see if any information crime exists.

Senator Harris:

Most licensing boards require a standard of conduct that must be followed, and a disciplinary procedure for individuals who do not comply. Are ISPs required to follow a standard of conduct?

Mr. Victor:

There are a number of certifications in information security which the ISPs in the private sector must obtain. A key element of each certification is ethics training. It is important to recognize that most rogue agents or other cyber crime is not from United States citizens but from individuals and companies outside of the United States. It is more difficult to identify and prosecute international cyber criminals. State and federal laws are quite severe for cyber crime within the United States. Eric Snowden, who worked for the National Security Agency had more background checks and vetting than any person in Nevada under any

type of licensure. He was able to commit cyber crime and he left the jurisdiction of the United States. The laws are the deterrent against cyber crime, not licensure.

Senator Harris:

Even individuals trying to do the right thing can potentially go rogue. Is there a standard of conduct specific to ISPs?

Mr. Elste:

There are a number of certifying bodies within the information security profession. These certifications include a period of professional practice, adherence to a code of ethics and certification examinations. Certifications can be revoked if an individual does not conform to the standards. It is difficult to know who is administering the code of ethics; therefore, instead of having each state establish codes of conduct for ISPs, there are certification bodies that are recognized internationally.

Senator Hardy:

Is there any documentation on the certifying bodies?

Mr. Elste:

I have provided documentation that outlines certifying bodies, the certifications each organization trains for and contact information ([Exhibit I](#)).

Mr. Victor:

I am a member of the board of Sierra Nevada InfraGard (SNI), the largest cybersecurity organization in Nevada affiliated with the FBI. Each member of SNI must undergo an FBI background check to become a member.

Ms. Tauchen:

The Retail Association of Nevada supports A.B. 173. The retail industry is often the target of cyber attacks, affecting both small and large businesses. It is a necessity for the Retail Association to have ISPs to keep business data safe and to protect customers and employees. Our Association membership represents private investigation businesses as well as information security businesses, and we see each business as a different discipline serving a different purpose. We would like to see ISP businesses grow so retailers have additional access to keep retail business data safe.

Tray Abney (The Chamber):

The Chamber is in support of A.B. 173. It is important that small businesses are able to procure the type of information security specific to their needs. Any added barriers to the field of ISPs adds cost to small business hiring ISPs.

Mr. Hildebrand:

The Nevada Trucking Association is in support of A.B. 173.

Chair Settlemeyer:

I will close the hearing on A.B. 173 and open the hearing on A.B.246.

ASSEMBLY BILL 246 (1st Reprint): Revises provisions governing cosmetology.
(BDR 54-267)

Gary Landry (Executive Director, State Board of Cosmetology):

I will give you a quick overview of changes to A.B. 246. The changes are listed in my written testimony ([Exhibit J](#)). There are several changes to areas of the bill, which will aid in job creation. There is a provision for a new license type with minimal training requirements, called a shampoo technologist. The second area of job creation deals with the apprentice program, focused more on rural communities. If an individual lives more than 60 miles away from a cosmetology school, he or she can enroll in an apprentice program for cosmetology or electrolysis. Assembly Bill 246 will add apprentice programs for aestheticians, nail technologists and hair designers.

The third job creation area is the change to limited licenses, only available to out-of-state licensees. This change would allow in-state licensees to apply for a limited license to practice limited cosmetology services outside of a cosmetology salon, such as at a wedding. The fourth job creation area pertains to cosmetology schools by reducing education requirements from 1,800 hours to 1,600 hours to comply with 92 percent of cosmetology schools in the Nation. Additional changes regarding cosmetology schools remove the 5,000 square foot requirement, the 25-student minimum, and the requirement that an instructor must be licensed in all branches of cosmetology if only teaching a specific technology.

For consumer protection, A.B. 246 would authorize the State Board of Cosmetology (SBC) to ban certain devices from cosmetology establishments. Although the devices are illegal in all 50 states, the instruments must be seen in

use for the cosmetologist to be cited. This change will remove banned devices from salons. The one exception is some of these banned devices may be sold in the retail area of the salon.

There are issues with unlicensed cosmetologists, from other states, advertising on the Internet, in Nevada, for weddings or other occasions. Changes in A.B. 246 will define advertising and require business names and license numbers in all advertisements. There are corrections to the provisions for service animals to be in conformance with the Americans with Disabilities Act of 1990. There are a series of administrative changes. Laws were created in 1931 and many have not been updated. Changes would enable members of the SBC, other than the treasurer, to make deposits; the SBC secretary to make changes to addresses and other information; requires licensees to indicate every cosmetology establishment where they work; and clarify the supervision requirements in cosmetology establishments. The SBC would like to give cosmetologists the option of a 2- or 4-year license, which will reduce administration costs and workload. An individual may choose a 2-year license if he or she is close to retirement, or possibly a military spouse that may be transferring in less than 4 years.

There are changes to the sanitary guidelines in the threading area by assessing a fee for threader registration. Within the hair braiding sections, we will add language to the testing verbiage to be consistent with all other license types, and change the photograph size and remove the voter identification card as proof of age documentation. There are changes to the barbers' statute to require nail technologists in a barbershop to be separated from the area in which barbers are performing services. The barber changes will increase required training from 400 hours to 600 hours, and decrease training hours for a barber to become a hair designer from 400 hours to 0 hours.

The balance of changes are mostly reorganization making scope-of-practice easier for the public as well as the SBC. There was language interspersed throughout the statute; therefore, the Legislative Counsel Bureau moved this language into the definition section of NRS 644. There is a modification to the Massage Board to allow nail technicians, who massage from the fingertips to the elbow and from the knee to the toes, not be considered a licensable service. Lastly, there are regulations to be adopted and language to include new sections in NRS 644.

Assemblywoman Irene Bustamante Adams (Assembly District No. 42):

My personal interest in A.B. 246 is that I have numerous cosmetology establishments in my district and it is important for those businesses to thrive and for Nevada to stay regionally competitive.

Assemblywoman Olivia Diaz (Assembly District No. 11):

Assemblywoman Bustamante Adams and I have worked closely with the proponents of A.B. 246 and sought public input to vet correct language and reduce opposition.

Assemblywoman Bustamante Adams:

The topic of cosmetology within the Latina community can tend to be contentious; therefore, we reached out to all individuals, especially those communities that have predominantly Hispanic and African-American constituents to make sure all communities would be served correctly.

Senator Atkinson:

I have received several emails of opposition that I would like to discuss with the proponents after this hearing.

Chair Settlemeyer:

As a statement of disclosure, my wife is a cosmetologist; however this will not affect my opinions. Regarding banned devices, can you tell me why a trained professional is not allowed to use certain devices, yet those devices can be sold to the public who is not trained to use them?

Mr. Landry:

The concept is one individual cannot feel what another individual feels, therefore, certain devices should not be used on another person; however, an individual can use that same device on himself or herself who can feel what the device is doing.

Chair Settlemeyer:

Aside from listing a business name and license number in an advertisement, does an individual need to list his or her personal address and phone number?

Mr. Landry:

An individual only needs to list his or her business name and business license number in an advertisement.

Senator Harris:

If there is a 2-year and 4-year license option, is the fee for each license the same price?

Mr. Landry:

The fee is a per-year fee, which is \$35 per year.

Chair Settlemeyer:

I will close the hearing on A.B. 246 and open the hearing on A.B. 115.

ASSEMBLY BILL 115 (1st Reprint): Revises provisions governing audiologists, speech-language pathologists and hearing aid specialists. (BDR 54-165)

Assemblywoman Bustamante Adams (Assembly District No. 42):

I was the Chair of the Sunset Subcommittee of the Legislative Commission. Its goal was to review the boards and commissions set up by the Legislature to recommend continuance, modification or termination of certain entities. I am in support of A.B. 115. There were numerous amounts of testimony exposing the fact that audiologists dispensing hearing aids were required to work with two separate boards, thus paying two separate fees for licensure. The Sunset Subcommittee members expressed concern regarding the capacity of the Board of Hearing Aid Specialists to provide consumer protection by investigating complaints and disciplining licensees since the Hearing Aid Board has limited resources.

During our review, we found that two-thirds of audiologists hold a license to dispense hearing aids. The Subcommittee has determined that a number of states have merged these boards as well. A licensing review of other states has recognized audiologists are trained to fit and dispense hearing aids. Our unanimous recommendation is to help these groups consolidate into an effective and efficient entity, to better serve licensees and consumers.

Assemblywoman Teresa Benitez-Thompson (Assembly District No. 27):

Assembly Bill 115 will merge what was the Board of Hearing Aid Specialists into a new board structure, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. I have submitted written testimony along with a list of board meetings, sunset subcommittee meetings, legislative commission meetings, public workshops and two friendly amendments ([Exhibit K](#)).

The first amendment removes the word “diagnosis” from the scope-of-practice of speech pathologists and audiologists and clarifies the roles of audiologists and speech language pathologists. The second amendment is technical in nature regarding the transfer of funds from the Board of Hearing Aid Specialists and removes the State Controller from the process, since the bank accounts are separate from the State General Fund. Proposed Amendment 6870 ([Exhibit L](#)) clarifies this process.

Hearing loss affects 48 million Americans and is the third most common, chronic condition among older adults. One out of three individuals over the age of 65 is hearing impaired, 65 percent of who are in the workforce. This bill will ensure consumer protection, as most hearing aids are paid for out-of-pocket, not by insurance. Hearing aids are an investment and warranties are critical, as is a board to protect the public’s interest. We did receive an additional proposed amendment last night from the Nevada Hearing Society ([Exhibit M](#)), which we will be reviewing and discussing with all parties involved to provide a high level of comfort regarding this merger.

Senator Hardy:

Is it common for speech pathologists in other states to use endoscopy or is Nevada unique in the use of nonmedical oral and nasal endoscopy?

Assemblywoman Benitez-Thompson:

I will have Ms. Ponton address that question in her testimony. I can state that Nevada is not trying to be unique. We are not changing the scope of practice or education requirements, only merging the boards.

Paula Berkley (Board of Examiners for Audiology and Speech Pathology):

I am in support of [A.B. 115](#) and have submitted written testimony ([Exhibit N](#)). Nevada is the only state requiring audiologists to have two separate licenses to practice their profession. In 35 states, if an individual receives a Ph.D. in audiology, that individual is allowed to dispense hearing aids. Thirteen states have merged the hearing aid specialist and audiology boards.

The concerns that drove the desire for change were the excessive fees and the excessive length of time it took to become a licensed dispensing audiologist. There is a chart included on page 3 of [Exhibit N](#) showing new application fees, current fees, proposed fees and renewal fees. This merger will create a comprehensive board, less exorbitant fees and a quicker turnaround on receipt

of licenses. A positive outcome of S.B. 68 was to have licenses issued within 90 days.

Between our preparation for the Sunset Subcommittee, and the Sunset Subcommittee's research, the process highlighted three areas of concern:

1. The Board of Hearing Aid Specialists was fiscally unstable. The Board's budget compared to their staff costs would leave the Board with only \$10,000 in reserve. The merged boards will have in excess of \$150,000 in reserve.
2. The fiscal instability of the Board of Hearing Aid Specialists has been a contributing factor in failing to process complaints and administer disciplinary actions as required by law. The last disciplinary hearing held by the Board was 5 years ago. During that hearing, there were 40 complaints that had built up against the same hearing aid dispenser. Hearing health professionals need to be held accountable, which adds to consumer protection.
3. There has been poor efficiency in the administrative processes of the Board of Hearing Aid Specialists. The Board has no full-time administrative staff, no office and little to no human interaction.

This merger will increase efficiency and effectiveness and lower fees, which is more inviting to the industry. We have worked closely with the Board of Hearing Aid Specialists to assuage any misconceptions or oppositions. There was no opposition during the entire process until we received a proposed amendment last night, [Exhibit M](#), which we will work on together. We have created an advisory board to combine different medical specialists, as members, to discuss development of regulations, disciplinary measures, and more.

Loretta L. Ponton (Executive Director, Board of Examiners for Audiology and Speech Pathology):

I am in support of A.B. 115 and have submitted written testimony ([Exhibit O](#)). The Board of Examiners for Audiology and Speech Pathology (SA Board) was created in 1979 and there have been no substantive changes made to NRS 637B since that time. Assembly Bill 115 reflects evolutionary changes that have occurred in the practice of speech-language pathology, audiology and the dispensing of hearing aids; expands the SA Board by incorporating oversight, licensing and regulation of hearing aid specialists; and abolishes the Board of Hearing Aid Specialists as recommended by the Sunset Subcommittee.

My written testimony, [Exhibit O](#), expands on the background and chronology of efforts to solicit public and stakeholder participation. Participation by the public and stakeholders was essential in the development of A.B. 115. The SA Board has been open and transparent through this process, holding public workshops, public board meetings and soliciting and accepting comments in writing and through the mail.

Under A.B. 115, the composition of the SA Board will increase from five to seven members, due to the addition of hearing aid dispensing functions and the need to have adequate and consistent representation of the licensees managed. Section 16 provides the SA Board with the authority to appoint additional advisory members. The intent is to access expertise and knowledge when necessary. Charts are included on page 4 and 5 of [Exhibit O](#), depicting the comparison of the current composition of both boards and the proposed composition of the new board. The balance of my testimony, [Exhibit O](#), explains revisions, additions or deletions of A.B. 115 by section. To address an earlier question from Senator Hardy, the scope-of-practice for speech-language pathologists has included the use of oral and nasal endoscopy for more than 20 years, and the procedure is recognized in most states.

Kandis McClure (Nevada Hearing Society):

The Nevada Hearing Society represents hearing aid specialists and professionals and opposes A.B. 115. Hearing aid specialists are highly trained professionals who perform comprehensive hearing evaluations and treat hearing loss patients on a daily basis. Hearing aid specialists recommend, fit and dispense hearing aids. Specializing in dispensing hearing aids is a profession and requires distinct training and certification to administer care with the utmost safety.

Nevada law recognizes the distinct aspects and statutory establishments of the hearing aid specialist licensure board. Assembly Bill 115 would represent a significant change in the governance of the hearing aid profession. The Nevada Hearing Society stated their firm belief that the unique requirements of the hearing aid profession require self-governance in order to ensure consumer protection and public safety. A brief overview of our proposed amendment, [Exhibit M](#), is as follows: section 25 addresses the examination required for a license to fit and dispense hearing aids; section 26 addresses the qualifications for licensure; section 44 would add an extra hearing aid specialist to the SA Board; and section 48 requires a licensee to be certified by the National Board of Certification by the time of his or her first license renewal.

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Senator Hardy:

Are otolaryngologists certified to fit and dispense hearing aids?

Ms. McClure:

I do not believe otolaryngologists are certified to fit and dispense hearing aids; however, I will verify this information and get back to you.

Remainder of page intentionally left blank; Signature page to follow.

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Chair Settlemeyer:

As there is no further business to discuss, I will close the hearing on A.B. 115.
The meeting is adjourned at 10:03 a.m.

RESPECTFULLY SUBMITTED:

Renee Fletcher,
Committee Secretary

APPROVED BY:

Senator James A. Settlemeyer, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	6		Attendance Roster
A.B. 89	C	3	Caleb S. Cage/Office of the Governor	Written Testimony
A.B. 89	D	1	Michael Hillerby / Board of Medical Examiners	Proposed Amendment
A.B. 89	E	2	Victoria Carreon / Guinn Center for Policy Priorities	Written Testimony
A.B. 173	F	3	Assemblyman Pat Hickey	Written Testimony
A.B. 173	G	1	Ira Victor / Sierra Nevada InfraGard Members Alliance	Written Testimony
A.B. 173	H	1	James Elste	Written Testimony
A.B. 173	I	3	James Elste	List of Security Certification Organizations
A.B. 246	J	5	Gary Landry / State Board of Cosmetology	Topic Index for A.B. 246
A.B. 115	K	5	Assemblywoman Teresa Benitez-Thompson	Written Testimony
A.B. 115	L	2	Assemblywoman Teresa Benitez-Thompson	Proposed Amendment 6870
A.B. 115	M	3	Assemblywoman Teresa Benitez-Thompson	Proposed Amendment from Nevada Hearing Society
A.B. 115	N	3	Paula Berkley / Board of Examiners for Audiology and Speech Pathology	Written Testimony
A.B. 115	O	7	Loretta L. Ponton / Board of Examiners for Audiology and Speech Pathology	Written Testimony