

SENATE BILL 453

J2

4r2393
CF HB 403

By: **Senator Conway**

Introduced and read first time: January 27, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Examiners for Audiologists, Hearing Aid Dispensers, and**
3 **Speech–Language Pathologists – Cease and Desist Orders and Injunctive**
4 **Relief**

5 FOR the purpose of authorizing the State Board of Examiners for Audiologists,
6 Hearing Aid Dispensers, and Speech–Language Pathologists to issue cease and
7 desist orders or obtain injunctive relief for violations of certain provisions of
8 law; authorizing an action to be maintained in the name of the State or the
9 Board to enjoin certain unauthorized practice or conduct that is a ground for
10 certain disciplinary action; authorizing a certain action to be brought by certain
11 persons and in certain locations; providing that proof of certain damages is not
12 required for a certain action; providing that a certain action is in addition to and
13 not instead of certain criminal prosecution or disciplinary action; repealing
14 authorization for the Board to sue to enforce certain provisions of law; and
15 generally relating to the State Board of Examiners for Audiologists, Hearing
16 Aid Dispensers, and Speech–Language Pathologists and cease and desist orders
17 and injunctive relief.

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 2–312
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2013 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Health Occupations**

26 2–312.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The Board shall investigate any alleged violation of this title.

2 (2) The Board may issue subpoenas, administer oaths, and examine
3 witnesses.

4 [(b) (1) The Board may sue to enforce any provision of this title by
5 injunction or other appropriate proceeding.

6 (2) An action under this subsection is in addition to and not instead of
7 criminal prosecution under § 2–408 of this title.]

8 **(B) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN**
9 **INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 2–314 OF THIS**
10 **SUBTITLE OR §§ 2–401 THROUGH 2–402.3 OF THIS TITLE.**

11 **(C) (1) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE**
12 **OR THE BOARD TO ENJOIN:**

13 **(I) CONDUCT THAT IS A GROUND FOR DISCIPLINARY**
14 **ACTION UNDER § 2–314 OF THIS SUBTITLE;**

15 **(II) THE UNAUTHORIZED PRACTICE OF AUDIOLOGY,**
16 **HEARING AID DISPENSING, OR SPEECH–LANGUAGE PATHOLOGY; OR**

17 **(III) AIDING AND ABETTING IN THE UNAUTHORIZED**
18 **PRACTICE OF AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH–LANGUAGE**
19 **PATHOLOGY.**

20 **(2) AN ACTION UNDER THIS SUBSECTION MAY BE BROUGHT BY:**

21 **(I) THE BOARD, IN ITS OWN NAME;**

22 **(II) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE;**
23 **OR**

24 **(III) A STATE’S ATTORNEY, IN THE NAME OF THE STATE.**

25 **(3) AN ACTION UNDER THIS SUBSECTION SHALL BE BROUGHT IN**
26 **THE COUNTY WHERE THE DEFENDANT:**

27 **(I) RESIDES; OR**

28 **(II) ENGAGES IN THE ACT SOUGHT TO BE ENJOINED.**

1 **(4) PROOF OF ACTUAL DAMAGES OR THAT ANY PERSON IS LIKELY**
2 **TO SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED**
3 **FOR AN ACTION UNDER THIS SUBSECTION.**

4 **(5) AN ACTION UNDER THIS SUBSECTION IS IN ADDITION TO AND**
5 **NOT INSTEAD OF DISCIPLINARY ACTION UNDER § 2-314 OF THIS SUBTITLE OR**
6 **CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF AUDIOLOGY,**
7 **HEARING AID DISPENSING, OR SPEECH-LANGUAGE PATHOLOGY UNDER §§**
8 **2-401 THROUGH 2-402.3 OF THIS TITLE.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2014.