



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

**Board of Examiners for Audiologists, Hearing Aid
Dispensers & Speech-Language Pathologists**

4201 Patterson Avenue
Baltimore, MD 21215
Phone: 410-764-4723

March 10, 2020

The Honorable Shane E. Pendergrass, Chair
House Health and Government Operations Committee
House Office Building, Room 241
Annapolis, MD 21401-1991

RE: HB 1112- Health Occupations – Audiology and Speech-Language Pathology Interstate Compact - Letter of Concern

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists is submitting this Letter of Concern for HB 1112 – Audiology and Speech-Language Pathology Interstate Compact.

HB 1112, as written, enters the professions of Audiology and Speech-Language Pathology into an Interstate Compact (Compact). Participation in this Compact facilitates improving public access to Audiology and Speech-Language Pathology services by providing for mutual recognition of other member state licenses. In doing so, the bill helps to regulate multistate Audiology and Speech-Language Pathology services, enhancing the ability of states to protect the public's health and safety. Additionally, the bill strengthens the support of telehealth technology and lessens the burden on relocating active duty military personnel and/or their spouses, further increasing public access to Audiology and Speech-Language Pathology services.

The bill does address the critical need for providing telehealth services to those outside of a licensee's home state by attempting to remove the need to obtain additional licenses to do so. In essence, by removing the requirement to obtain a license outside of one's home state, the compact enables citizens residing in rural areas with limited clinic access, to receive more immediate care.

The Board's concerns relate to the lack of clarity on which laws would be applied in the event of disciplinary action against a Maryland licensee. Section 7 states: "ADVERSE ACTIONS, (3), ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION AGAINST AN AUDIOLOGIST'S OR A SPEECH-LANGUAGE PATHOLOGIST'S LICENSE ISSUED BY THE HOME STATE." However, in (3)(B) it says: "...THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION." Conversely, in Section 14(B), it states: "BINDING EFFECT OF COMPACT AND OTHER LAWS, ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT." Finally, as the compact is written, the Board's biggest concern is that the compact supersedes Maryland law in many ways (including regarding the Open Meetings Act and hiring of non-violent ex-offenders, for example), and may waive sovereign immunity.

For these reasons, the Board respectfully requests the Committee to consider the applicability of HB 1112 in relation to the Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists. If you would like to discuss this matter further, please contact the Board of Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists Executive Director, Candace Robinson, at (410) 764-4723 or candace.robinson@maryland.gov .

Sincerely,

Jennifer Mertes

Jennifer L. Mertes, Au.D.
Board Chair

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.