
By: **Delegate Hubbard**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language**
3 **Pathologists Act - Revision**

4 FOR the purpose of specifying that certain provisions of law apply to certain licensed
5 audiologists, hearing aid dispensers, speech-language pathologists, and
6 speech-language pathology assistants; requiring certain members of the State
7 Board of Examiners for Audiologists, Hearing Aid Dispensers, and
8 Speech-Language Pathologists to currently practice in the State; requiring a
9 Board member to be a consumer of services provided by a person regulated by
10 the Board; repealing the requirement that certain notice and a certain balloting
11 process be given by mail; altering certain qualifications for certain members of
12 the Board; providing that a majority of members currently serving on the Board
13 is a quorum; authorizing the Board to regulate the practice of telehealth
14 communications by audiologists, hearing aid dispensers, and speech-language
15 pathologists; authorizing the Board to develop and update a checklist for use in
16 licensing speech-language pathologists; repealing the authority of the Board to
17 inspect facilities used by licensed hearing aid dispensers; authorizing the Board
18 to require that certain licensed speech-language pathology assistants submit to
19 an examination by a certain health care provider during certain investigations;
20 requiring an individual to be licensed by the Board before practicing
21 speech-language pathology as a speech-language pathology assistant;
22 exempting certain individuals from certain licensing requirements who are
23 continuously employed to practice speech-language pathology by certain schools
24 or education institutions on or after a certain date; repealing a certain licensure
25 exemption for individuals who fit hearing aids; altering certain requirements to
26 practice without a license for an audiologist, hearing aid dispenser, or
27 speech-language pathologist who is licensed in another state; requiring that
28 certain applicants demonstrate a proficiency in English; establishing a certain
29 date by which an audiology applicant may hold a master's degree to satisfy
30 certain education requirements for licensing; altering certain requirements to
31 qualify for a license to practice hearing aid dispensing after a certain date;
32 repealing the option an applicant for a speech-language pathology license had to
33 hold the equivalent of a certain master's degree to qualify for a certain license;
34 requiring certain applicants to meet certain requirements to qualify for a license
35 to practice speech-language pathology as a speech-language pathology

1 assistant; establishing the requirements for a license to practice
2 speech-language pathology as a speech-language pathology assistant; requiring
3 the Board to adopt certain regulations for speech-language pathology assistants
4 that are less stringent than certain regulations for speech-language
5 pathologists; authorizing the Board to waive certain requirements for a license
6 to practice speech-language pathology as a speech-language pathology
7 assistant; repealing the requirement for the Board to give an examination to
8 certain applicants a certain number of times; establishing requirements for
9 certain licensing examinations; repealing the authority of the Board to
10 determine the subjects, scope, form, and passing score for certain examinations;
11 repealing certain requirements for certain written and practical examinations;
12 altering certain waiver requirements for certain applicants; repealing a certain
13 requirement for individuals who are licensed in another state that does not have
14 certain continuing education requirements; authorizing the Board to grant a
15 waiver for an examination if an applicant holds certain national certification
16 and meets certain practice requirements; repealing the requirement that the
17 Board not require applicants to practice hearing aid dispensing who hold a
18 certain license from another state to satisfy any licensing requirement that is
19 not required for other applicants for the practice of hearing aid dispensing;
20 altering a certain period of notice the Board is required to give before a license
21 expires; altering certain renewal requirements for certain licenses; authorizing
22 the Board to reinstate a speech-language pathology assistant license under
23 certain circumstances; requiring certain licensees to pay a renewal fee for
24 reinstatement for a certain license; prohibiting the Board from reinstating a
25 speech-language pathology license if the licensee does not apply within a certain
26 period of time unless certain requirements are met; altering certain
27 requirements for issuing a limited license to practice audiology; establishing the
28 terms and renewal requirements for limited licenses to practice audiology,
29 hearing aid dispensing, and speech-language pathology; establishing a limited
30 license for speech-language pathology assistants; establishing the requirements
31 for a limited license for speech-language pathology assistants; establishing the
32 term and renewal requirements for a limited license for speech-language
33 pathology assistants; repealing the requirement that the Board keep a record of
34 certain addresses of licensees; requiring a licensee to provide the Board notice of
35 where to send certain correspondence; requiring a licensee to provide the Board
36 notice of any changes in address within a certain period of time; prohibiting a
37 speech-language pathology assistant from surrendering a license under certain
38 circumstances; authorizing the Board to set conditions on certain agreements
39 with a speech-language pathology assistant who is under investigation or while
40 charges are pending; authorizing the Board to impose certain penalties on
41 speech-language pathology assistants under certain circumstance; repealing
42 the requirement that an audiologist or hearing aid dispenser who sells a hearing
43 aid to an individual without complying with certain requirements to give the
44 individual a copy of a certain waiver; repealing a certain exemption that allows
45 a person to sell hearing aids by door-to-door solicitation under certain
46 circumstances; requiring audiologists and hearing aid dispensers who sell
47 hearing aids to provide certain refund information; altering certain penalties;
48 authorizing the Board to issue subpoenas and administer oaths under certain

1 circumstances with the signature of an officer or administrator of the Board;
2 requiring licensees found in violation of certain provisions to pay certain costs;
3 establishing that a certain order of the Board may not be stayed pending review;
4 establishing one rehabilitation committee for audiologists, hearing aid
5 dispensers, speech-language pathologists, and speech-language pathology
6 assistants; requiring the Board to adopt regulations establishing qualifications,
7 scope of practice, and supervision requirements for speech-language pathology
8 assistants; adding terms and practices that certain unlicensed individuals may
9 not use to represent to the public that they are authorized to practice audiology
10 or speech-language pathology; prohibiting unlicensed individuals from
11 representing to the public that they are authorized to assist in the practice of
12 speech-language pathology; altering the definitions of certain terms; defining
13 certain terms; and generally relating to revisions of the Maryland Audiologist,
14 Hearing Aid Dispensers, and Speech-Language Pathologist Act.

15 BY repealing and reenacting, with amendments,
16 Article - Health Occupations
17 Section 2-101, 2-102, 2-202, 2-204 through 2-205.1, 2-207, 2-301 through
18 2-302.2, 2-304, 2-305, 2-307.1, 2-308 through 2-310.2, 2-311, 2-313
19 through 2-314.3, 2-314.5 through 2-318, 2-319 through 2-402.2, 2-408,
20 and 2-501
21 Annotated Code of Maryland
22 (2005 Replacement Volume)

23 BY repealing and reenacting, without amendments,
24 Article - Health Occupations
25 Section 2-201, 2-203, 2-206, 2-303, 2-306, 2-307, 2-307.2, 2-312, 2-314.4,
26 2-403 through 2-406, and 2-502
27 Annotated Code of Maryland
28 (2005 Replacement Volume)

29 BY repealing
30 Article - Health Occupations
31 Section 2-318.1 and 2-318.2
32 Annotated Code of Maryland
33 (2005 Replacement Volume)

34 BY adding to
35 Article - Health Occupations
36 Section 2-302.3, 2-307.3, 2-310.3, and 2-402.3
37 Annotated Code of Maryland
38 (2005 Replacement Volume)

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

Article - Health Occupations

1 2-101.

2 (a) In this title the following words have the meanings indicated.

3 (b) "Audiologist" means an individual who practices audiology.

4 (c) "Board" means the State Board of Examiners for Audiologists, Hearing Aid
5 Dispensers, and Speech-Language Pathologists.

6 (D) "DIRECT SUPERVISION" MEANS THE ON-SITE AND PERSONAL OVERSIGHT
7 OF ONE INDIVIDUAL LICENSED UNDER THIS TITLE BY ANOTHER INDIVIDUAL
8 LICENSED UNDER THIS TITLE WHO ACCEPTS THE RESPONSIBILITY FOR THE
9 CONDUCT OF THE OTHER LICENSED INDIVIDUAL WHEN THE INDIVIDUAL IS
10 PRACTICING AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH-LANGUAGE
11 PATHOLOGY, WHETHER THAT CONDUCT MEETS OR FAILS TO MEET THE
12 PROFESSIONAL STANDARDS ESTABLISHED BY THIS TITLE FOR THE PRACTICE OF
13 AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH-LANGUAGE PATHOLOGY.
14

15 (E) "DISORDER OF THE HUMAN AUDITORY-VESTIBULAR SYSTEM" MEANS A
16 CONDITION FROM AN ORGANIC OR FUNCTIONAL ORIGIN THAT AFFECTS THE
17 HEARING, BALANCE, TINNITUS, AUDITORY PROCESSING, OR OTHER RELATED
18 NEURAL FUNCTION OF AN INDIVIDUAL.

19 [(d) "Fit hearing aids" means:

20 (1) Solely for the purposes of choosing, adapting, or selling hearing aids
21 or for the use of a member of a health occupation that has a professional concern
22 about human hearing, to measure human hearing by any means, including the
23 preparation of an audiogram by means of an audiometer and evaluation of the
24 audiogram;

25 (2) To make an impression of a human ear for the purpose of building an
26 ear mold; or

27 (3) To provide advice about the choice or use of a hearing aid by a
28 hearing impaired individual.]

29 [(e) (F) "Hearing aid" OR "HEARING INSTRUMENT" means:

30 (1) [Any instrument or device that is designed for or represented as
31 being capable of improving or correcting impaired human hearing] AN FDA
32 CLASSIFIED, WEARABLE, OR IMPLANTABLE INSTRUMENT OR DEVICE, THE
33 FUNCTION, DESIGN, OR INTENT OF WHICH IS TO AID OR COMPENSATE FOR IMPAIRED
34 HUMAN HEARING; or

35 (2) Any [part or accessory of the instrument or] OTHER device OFFERED
36 TO AID OR COMPENSATE FOR IMPAIRED HUMAN HEARING.

1 [(f)] (G) "Hearing aid dispenser" means an individual who [provides]
2 PRACTICES hearing aid [services] DISPENSING.

3 (H) "HEARING AID DISPENSER SUPERVISOR" MEANS A LICENSED HEARING
4 AID DISPENSER WHO SUPERVISES A LIMITED LICENSEE WHO IS STUDYING HEARING
5 AID DISPENSING FOR THE PURPOSE OF BECOMING ELIGIBLE TO SIT FOR THE
6 LICENSURE EXAMINATION.

7 (I) (1) "HEARING AID DISPENSING" MEANS PERFORMING, CONDUCTING,
8 AND INTERPRETING HEARING ASSESSMENT PROCEDURES TO DETERMINE THE TYPE
9 AND EXTENT OF HEARING LOSS FOR THE PURPOSE OF:

10 (I) FITTING SUITABLE HEARING INSTRUMENTS;

11 (II) SELECTING SUITABLE HEARING INSTRUMENTS;

12 (III) MAKING EAR MOLDS OR EAR IMPRESSIONS; AND

13 (IV) PROVIDING APPROPRIATE COUNSELING.

14 (2) "HEARING AID DISPENSING" INCLUDES:

15 (I) SELLING, RENTING, LEASING, AND DELIVERING HEARING
16 INSTRUMENTS; AND

17 (II) PROVIDING MAINTENANCE AND REPAIR SERVICES FOR
18 HEARING INSTRUMENTS.

19 (J) "HEARING AID ESTABLISHMENT" MEANS AN ESTABLISHMENT THAT
20 OFFERS, ADVERTISES, OR PERFORMS HEARING AID DISPENSING.

21 [(g)] (K) (1) "License" means, unless the context requires otherwise, a
22 license issued by the Board to practice audiology, [to provide hearing aid services]
23 HEARING AID DISPENSING, or [to practice] speech-language pathology, OR TO
24 PRACTICE AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT.

25 (2) "License" includes, unless the context requires otherwise, a limited
26 license.

27 [(h)] (L) "Licensed audiologist" means, unless the context requires otherwise,
28 an audiologist who is licensed by the Board to practice audiology.

29 [(i)] (M) "Licensed hearing aid dispenser" means, unless the context requires
30 otherwise, a hearing aid dispenser who is licensed by the Board to [provide hearing
31 aid services] PRACTICE HEARING AID DISPENSING.

32 [(j)] (N) "Licensed speech-language pathologist" means, unless the context
33 requires otherwise, a speech-language pathologist who is licensed by the Board to
34 practice speech-language pathology.

1 (O) "LICENSED SPEECH-LANGUAGE PATHOLOGY ASSISTANT" MEANS, UNLESS
2 THE CONTEXT REQUIRES OTHERWISE, A SPEECH-LANGUAGE PATHOLOGY
3 ASSISTANT WHO IS LICENSED BY THE BOARD TO ASSIST A LICENSED
4 SPEECH-LANGUAGE PATHOLOGIST IN THE PRACTICE OF SPEECH-LANGUAGE
5 PATHOLOGY.

6 [(k)] (P) "Limited [license to practice audiology] LICENSE" means a license
7 issued by the Board TO PRACTICE AUDIOLOGY, HEARING AID DISPENSING, OR
8 SPEECH-LANGUAGE PATHOLOGY as limited by [§ 2-310] §§ 2-310 THROUGH 2-310.3
9 of this title [to practice audiology].

10 [(l)] "Limited license to practice speech-language pathology" means a license
11 issued by the Board as limited by § 2-310.2 of this title to practice speech-language
12 pathology.

13 (m) "Limited license to provide hearing aid services" means a license issued by
14 the Board to provide hearing aid services as limited in § 2-310.1 of this title.

15 (n) (1) "Practice audiology" means to apply the principles, methods, and
16 procedures of measurement, prediction, evaluation, testing, counseling, consultation,
17 and instruction that relate to the development and disorders of hearing, vestibular
18 functions, and related language and speech disorders, to prevent or modify the
19 disorders or assist individuals in hearing and auditory and related skills for
20 communication.

21 (2) "Practice audiology" includes the fitting or selling of hearing aids.]

22 (Q) (1) "PRACTICE AUDIOLOGY" MEANS THE APPLICATION OF PRINCIPLES,
23 METHODS, AND PROCEDURES RELATED TO THE DEVELOPMENT AND DISORDERS OF
24 THE HUMAN AUDITORY-VESTIBULAR SYSTEM THAT ARE TAUGHT IN AN ACCREDITED
25 DOCTORAL PROGRAM IN AUDIOLOGY.

26 (2) "PRACTICE AUDIOLOGY" INCLUDES:

27 (I) THE DIAGNOSIS, EVALUATION, TREATMENT, COUNSELING, AND
28 MANAGEMENT OF:

29 1. HEARING, VESTIBULAR FUNCTION, AND ASSOCIATED
30 NEURAL SYSTEMS;

31 2. CERUMEN MANAGEMENT; OR

32 3. AN ABNORMAL CONDITION RELATED TO TINNITUS,
33 AUDITORY SENSITIVITY, FUNCTION, OR PROCESSING SPEECH, LANGUAGE, OR OTHER
34 ABERRANT BEHAVIOR RESULTING FROM HEARING LOSS;

35 (II) SCREENING FOR DELAYS AND DISORDERS OF SPEECH AND
36 LANGUAGE FOR THE PURPOSE OF REFERRAL FOR FURTHER EVALUATION; OR

1 (III) PRESCRIBING, SELECTING, EVALUATING, DISPENSING, AND
2 ASSISTING IN THE ADJUSTMENT TO AND DISPENSING OF A HEARING INSTRUMENT.

3 [(o)] (R) (1) "Practice speech-language pathology" means to apply the
4 principles, methods, and procedures [of measurement, prediction, evaluation, testing,
5 counseling, consultation, and instruction] that relate to the development [and],
6 disorders, AND EFFECTIVENESS of [speech, voice, swallowing, and related language
7 and hearing disorders, to prevent or modify the disorders or to assist individuals in
8 cognition-language and communication skills] HUMAN COMMUNICATION AND
9 SWALLOWING BY SCREENING, CONSULTING, ASSESSING, DIAGNOSING, TREATING,
10 INTERVENING, MANAGING, COUNSELING, AND PROVIDING FOLLOW-UP SERVICES
11 FOR DISORDERS OF SPEECH, LANGUAGE, SWALLOWING, OTHER UPPER
12 AERODIGESTIVE FUNCTIONS, OR COGNITIVE ASPECTS OF COMMUNICATION.

13 (2) "PRACTICE SPEECH-LANGUAGE PATHOLOGY" INCLUDES:

14 (I) ESTABLISHING, DEVELOPING, SELECTING, AND PRESCRIBING
15 AUGMENTATIVE AND ALTERNATIVE COMMUNICATION TECHNIQUES AND
16 STRATEGIES;

17 (II) PROVIDING SERVICES TO INDIVIDUALS WITH HEARING LOSS
18 AND THEIR FAMILIES;

19 (III) SCREENING THE HEARING OF INDIVIDUALS FOR THE PURPOSE
20 OF REFERRAL FOR FURTHER EVALUATION;

21 (IV) USING INSTRUMENTATION TO OBSERVE, COLLECT DATA, AND
22 MEASURE PARAMETERS OF COMMUNICATION AND SWALLOWING;

23 (V) SELECTING, FITTING, AND ESTABLISHING EFFECTIVE USE OF
24 PROSTHETIC OR ADAPTIVE DEVICES FOR COMMUNICATION, SWALLOWING, OR
25 OTHER AERODIGESTIVE FUNCTIONS; AND

26 (VI) PROVIDING SERVICES TO MODIFY OR ENHANCE
27 COMMUNICATION PERFORMANCE.

28 (3) "PRACTICE SPEECH-LANGUAGE PATHOLOGY" DOES NOT INCLUDE:

29 (I) PROVIDING AUDIOLOGICAL DIAGNOSTIC SERVICES; OR

30 (II) HEARING AID DISPENSING.

31 [(p)] "Provide hearing aid services" means to:

32 (1) Fit hearing aids; or

33 (2) Sell hearing aids at retail.

34 [(q)] (S) "Speech-language pathologist" means an individual who practices
35 speech-language pathology.

1 (T) "SPEECH-LANGUAGE PATHOLOGY ASSISTANT" MEANS AN INDIVIDUAL
2 WHO ASSISTS IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY WITHIN THE
3 LIMITS ESTABLISHED BY THE BOARD.

4 (U) "TELEHEALTH" MEANS THE USE OF TELECOMMUNICATIONS AND
5 INFORMATION TECHNOLOGIES FOR THE EXCHANGE OF HEALTH CARE INFORMATION
6 BETWEEN A PATIENT AND A HEALTH CARE PROVIDER.

7 2-102.

8 (A) THIS TITLE APPLIES TO LICENSED AUDIOLOGISTS, HEARING AID
9 DISPENSERS, SPEECH-LANGUAGE PATHOLOGISTS, AND SPEECH-LANGUAGE
10 PATHOLOGY ASSISTANTS IN THE STATE.

11 (B) This title does not:

12 (1) Limit the right of an individual to practice a health occupation that
13 the individual is authorized to practice under this article;

14 (2) Prohibit an individual from practicing any other profession that the
15 individual is authorized to practice under the laws of [this] THE State; or

16 (3) Limit the right of a physician who is authorized to practice medicine
17 under the laws of the State to treat the human ear or fit hearing aids.

18 2-201.

19 There is a State Board of Examiners for Audiologists, Hearing Aid Dispensers,
20 and Speech-Language Pathologists in the Department.

21 2-202.

22 (a) (1) The Board consists of 13 members.

23 (2) Of the 13 Board members:

24 (i) 3 shall be licensed audiologists who have at least 5 years' paid
25 work experience in audiology AND ARE CURRENTLY PRACTICING AUDIOLOGY IN THE
26 STATE;

27 (ii) 3 shall be licensed speech-language pathologists who have at
28 least 5 years' paid work experience in speech-language pathology AND ARE
29 CURRENTLY PRACTICING SPEECH-LANGUAGE PATHOLOGY IN THE STATE;

30 (iii) 2 shall be physicians who shall be voting members of the Board,
31 except on proposals that expand or restrict the practice of audiology as defined in §
32 [2-101(n)] 2-101(Q) of this title or that expand or restrict the practice of [speech]
33 SPEECH-LANGUAGE pathology as defined in § [2-101(o)] 2-101(R) of this title, and
34 who:

1 1. Are licensed to practice medicine in [this] THE State;

2 [and]

3 2. Hold a certificate of qualification from the American
4 Board of Otolaryngology; AND

5 3. ARE CURRENTLY PRACTICING IN THE STATE;

6 (iv) 2 shall be consumer members, 1 of whom shall be [hearing
7 impaired] A CONSUMER OF SERVICES PROVIDED BY A PERSON REGULATED BY THE
8 BOARD; and

9 (v) 3 shall be licensed hearing aid dispensers who have at least 5
10 years' paid work experience in dispensing hearing aids AND ARE CURRENTLY
11 PRACTICING HEARING AID DISPENSING IN THE STATE.

12 (3) The Governor shall appoint the physician members, with the advice
13 of the Secretary, from a list submitted to the Secretary and the Governor by the
14 Maryland Society of Otolaryngology with the approval of the Medical and Chirurgical
15 Faculty of the State of Maryland. There shall be at least 3 names on the list.

16 (4) The Governor shall appoint the speech-language pathologist
17 members, with the advice of the Secretary, from a list submitted to the Secretary and
18 the Governor by the Maryland Speech-Language and Hearing Association. The
19 number of names on the list shall be at least 3 times the number of vacancies.

20 (5) (i) Subject to subparagraph (ii) of this paragraph, the Governor
21 shall appoint the audiologist members, with the advice of the Secretary, from a list
22 submitted to the Secretary and the Governor, jointly by the Maryland Academy of
23 Audiology and the Maryland Speech-Language and Hearing Association. The number
24 of names on the list shall be at least 3 times the number of vacancies.

25 (ii) For each audiologist vacancy, the Maryland Academy of
26 Audiology and the Maryland Speech-Language and Hearing Association shall:

27 1. Notify [by mail] all licensed audiologists in the State of
28 the vacancy to solicit nominations to fill the vacancy; and

29 2. Conduct a balloting process [by mail] by which every
30 licensed audiologist in the State is eligible to vote on the names of the licensed
31 audiologists to be submitted to the Secretary and the Governor.

32 (6) The Governor shall appoint the hearing aid dispenser members, with
33 the advice of the Secretary, from a list submitted to the Secretary and the Governor
34 by the Maryland members of the [Hearing Aid Specialist Association of Maryland,
35 District of Columbia, and Delaware] HEARING SOCIETY OF MARYLAND,
36 WASHINGTON D.C., AND DELAWARE. The number of names on the list shall be at least
37 3 times the number of vacancies.

1 (7) (i) The Governor shall appoint the consumer members with the
2 advice of the Secretary and the advice and consent of the Senate.

3 (ii) 1. The Governor shall appoint the [hearing impaired]
4 consumer OF SERVICES PROVIDED BY A PERSON REGULATED BY THE BOARD member
5 from a list submitted to the Secretary and the Governor by the Department of
6 Disabilities.

7 2. The Department of Disabilities shall solicit nominees from
8 [each of the hearing impaired] associations REPRESENTING HEARING OR
9 COMMUNICATION IMPAIRED INDIVIDUALS in the State.

10 (b) Each member of the Board:

11 (1) Shall be a resident of this State; but

12 (2) May not be an employee of the Department.

13 (c) The consumer members of the Board:

14 (1) Shall be a member of the general public;

15 (2) May not be or ever have been an audiologist, hearing aid dispenser,
16 or speech-language pathologist or in training to become an audiologist, hearing aid
17 dispenser, or speech-language pathologist;

18 (3) May not have a household member who is an audiologist, hearing aid
19 dispenser, or speech-language pathologist or in training to become an audiologist,
20 hearing aid dispenser, or speech-language pathologist;

21 (4) May not participate or ever have participated in a commercial or
22 professional field related to audiology, [the provision of hearing aid services]
23 HEARING AID DISPENSING, or speech-language pathology;

24 (5) May not have a household member who participates in a commercial
25 or professional field related to audiology, [the provision of hearing aid services]
26 HEARING AID DISPENSING, or speech-language pathology; and

27 (6) May not have had within 2 years before appointment a substantial
28 financial interest in a person regulated by the Board.

29 (d) While a member of the Board, a consumer member may not have a
30 substantial financial interest in a person regulated by the Board.

31 (e) Before taking office, each appointee to the Board shall take the oath
32 required by Article I, § 9 of the State Constitution.

33 (f) (1) The term of a member is 4 years.

34 (2) The terms of members are staggered as required by the terms
35 provided for members of the Board on October 1, 1992.

1 (3) At the end of a term, a member continues to serve until a successor is
2 appointed and qualifies.

3 (4) A member who is appointed after a term has begun serves only for
4 the rest of the term and until a successor is appointed and qualifies.

5 (5) A member may not serve more than 2 consecutive full terms.

6 (6) To the extent practicable, the Governor shall fill any vacancy on the
7 Board within 60 days after the date of the vacancy.

8 (g) (1) The Governor may remove a member for incompetence or
9 misconduct.

10 (2) Upon the recommendation of the Secretary, the Governor may
11 remove a member whom the Secretary finds to have been absent from 2 successive
12 Board meetings without adequate reason.

13 (h) A member of the Board may not serve as AN EMPLOYEE, an elected officer,
14 or a director of a professional or trade association that has members who are under
15 the authority of the Board.

16 2-203.

17 (a) From among its members, the Board annually shall elect a chairman.

18 (b) The Board shall determine:

19 (1) The manner of election of officers; and

20 (2) The duties of each officer.

21 2-204.

22 (a) A majority of the [full authorized membership of] MEMBERS CURRENTLY
23 SERVING ON the Board, with at least 1 member of each profession regulated under
24 the provisions of this title being present, is a quorum to do business.

25 (b) The Board shall meet at least once a year, at the times and places that it
26 determines.

27 (c) In accordance with the budget of the Board, each member of the Board is
28 entitled to:

29 (1) Compensation, at a rate determined by the Board, for each day on
30 which the member is engaged in the duties of the member's office; and

31 (2) Reimbursement for expenses at a rate determined by the Board.

32 (d) The Board may employ a staff in accordance with the budget of the Board.

1 2-205.

2 (a) In addition to the powers and duties set forth elsewhere in this title, the
3 Board has the following powers and duties:

4 (1) To adopt rules and regulations to carry out the provisions of this title;

5 (2) To adopt and publish codes of ethics for the practices of audiology,
6 [the provision of hearing aid services] HEARING AID DISPENSING, and the practice of
7 speech-language pathology;

8 (3) To adopt an official seal;

9 (4) To hold hearings and keep records and minutes necessary for the
10 orderly conduct of business;

11 (5) To issue a list annually of the names of all individuals licensed by the
12 Board [to practice audiology, provide hearing aid services, and practice
13 speech-language pathology]; [and]

14 (6) To send any notice that the Board is required to give to a licensee
15 under this title to the last known address given to the Board by the licensee;

16 (7) TO REGULATE THE PRACTICE OF TELEHEALTH COMMUNICATIONS
17 BY AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE
18 PATHOLOGISTS; AND

19 (8) TO DEVELOP AND UPDATE A CHECKLIST FOR USE IN LICENSING A
20 SPEECH-LANGUAGE PATHOLOGIST UNDER § 2-302.3(C)(2)(II).

21 (b) The Board shall require, by regulation, periodic calibration of audiometric
22 equipment used by licensed audiologists and hearing aid dispensers.

23 [(c) The Board may inspect the facilities used by licensed hearing aid
24 dispensers.]

25 2-205.1.

26 (a) While investigating an allegation against a licensee under this title, the
27 Board may require the licensee to submit to an appropriate examination by a health
28 care provider designated by the Board if the Board has reason to believe that the
29 licensee may cause harm to a person affected by the licensee's practice of audiology,
30 [provision of hearing aid services] HEARING AID DISPENSING, or [practice of]
31 speech-language pathology.

32 (b) In return for the privilege given to a licensee to practice audiology, [to
33 provide hearing aid services] HEARING AID DISPENSING, or [to practice]
34 speech-language pathology in the State, the licensee is deemed to have:

35 (1) Consented to submit to an examination under this section, if
36 requested by the Board in writing; and

1 (2) Waived any claim of privilege as to the testimony or reports of a
2 health care provider who examines the licensee.

3 (c) The failure or refusal of the licensee to submit to an examination required
4 under subsection (b) of this section is prima facie evidence of the licensee's inability to
5 practice audiology, [to provide hearing aid services] HEARING AID DISPENSING, or
6 [to practice] speech-language pathology competently, unless the Board finds that the
7 failure or refusal was beyond the control of the licensee.

8 (d) The Board shall pay the cost of any examination made under this section.
9 2-206.

10 (a) There is a State Board of Examiners for Audiologists, Hearing Aid
11 Dispensers, and Speech-Language Pathologists Fund.

12 (b) (1) The Board may set reasonable fees for the issuance and renewal of
13 licenses and its other services.

14 (2) The fees charged shall be set so as to produce funds to approximate
15 the cost of maintaining the Board.

16 (3) Funds to cover the compensation and expenses of the Board members
17 shall be generated by fees set under this section.

18 (c) In accordance with the budget of the Board, the Board may pay expenses
19 incurred in carrying out the provisions of this title.

20 (d) (1) The Board shall pay all funds collected under this title to the
21 Comptroller of the State.

22 (2) The Comptroller shall distribute the fees to the State Board of
23 Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language
24 Pathologists Fund.

25 (e) (1) The Fund shall be used to cover the actual documented direct and
26 indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
27 by the provisions of this article.

28 (2) The Fund is a continuing nonlapsing fund, not subject to § 7-302 of
29 the State Finance and Procurement Article.

30 (3) Any unspent portions of the Fund may not be transferred or revert to
31 the General Fund of the State, but shall remain in the Fund to be used for the
32 purposes specified in this article.

33 (4) No other State money may be used to support the Fund.

34 (f) (1) A designee of the Board shall administer the Fund.

1 (2) Moneys in the Fund may be expended only for any lawful purpose
2 authorized under the provisions of this article.

3 (g) The Legislative Auditor shall audit the accounts and transactions of the
4 Fund as provided in § 2-1220 of the State Government Article.

5 2-207.

6 A person shall have [the] immunity from THE liability described under § 5-703
7 of the Courts and Judicial Proceedings Article for giving information to the Board or
8 otherwise participating in its activities.

9 2-301.

10 (a) Except as otherwise provided in this title, an individual shall be licensed
11 by the Board before the individual may practice audiology, [provide hearing aid
12 services] HEARING AID DISPENSING, or [practice] speech-language PATHOLOGY in
13 this State.

14 (b) (1) This section does not apply:

15 (i) [Unless the individual chooses to apply for a license under this
16 subtitle, to] TO an individual employed by any agency of the federal government
17 PERFORMING THE DUTIES OF THAT EMPLOYMENT;

18 (ii) [Unless the individual who is practicing audiology chooses to
19 apply for a license under this subtitle, to] TO an individual [employed] continuously
20 EMPLOYED TO PRACTICE AUDIOLOGY since June 30, 1988 by a county public school
21 system, a State approved nonpublic school for handicapped children, a chartered
22 institution of the State, or the State Department of Education while performing the
23 duties of that employment;

24 (iii) [Unless the individual who is practicing speech-language
25 pathology chooses to apply for a license under this subtitle, to] TO an individual
26 CONTINUOUSLY employed TO PRACTICE SPEECH-LANGUAGE PATHOLOGY ON OR
27 AFTER OCTOBER 1, 2006, by a [county] MARYLAND LOCAL public school system, State
28 approved nonpublic school for handicapped children, or chartered educational
29 institution of the State or the State Department of Education while performing the
30 duties of that employment;

31 (iv) To a student or trainee in audiology or speech-language
32 pathology while pursuing a supervised course of study at an accredited university or
33 college or a recognized training center; OR

34 (v) To a volunteer while working in free speech and hearing
35 screening programs; or

36 (vi) To an individual who is fitting hearing aids under:

1 2-302.1.

2 (a) [To] ON OR AFTER JANUARY 1, 2007, TO qualify for a license to [provide
3 hearing aid services] PRACTICE HEARING AID DISPENSING, an applicant shall be an
4 individual who meets the requirements of this section.

5 (b) The applicant shall be of good moral character.

6 (c) The applicant shall [be at least 18 years old]:

7 (1) BE A GRADUATE OF AN ACCREDITED 2-YEAR POSTSECONDARY
8 PROGRAM WITH A DIPLOMA OR DEGREE BEFORE RECEIVING A FULL LICENSE; AND

9 (2) PRIOR TO TAKING THE STATE LICENSING EXAMINATION, PROVIDE
10 PROOF OF SUCCESSFUL COMPLETION OF THE INTERNATIONAL HEARING SOCIETY
11 CURRICULUM ENTITLED "DISTANCE LEARNING FOR PROFESSIONALS IN HEARING
12 HEALTH SCIENCES" OR AN EQUIVALENT COURSE APPROVED BY THE BOARD.

13 [(d) The applicant shall be a high school graduate or the equivalent.

14 (e)] (D) (1) Except as otherwise provided in this subtitle, the applicant
15 shall pass an examination given by the Board under this subtitle.

16 (2) Except for an applicant who holds a valid license to provide hearing
17 aid dispenser services in another state, the applicant shall obtain 6 months training
18 under the supervision of a licensed hearing aid dispenser prior to taking the
19 examination given by the Board.

20 (E) THE APPLICANT SHALL DEMONSTRATE PROFICIENCY IN ENGLISH AS
21 DETERMINED BY THE BOARD.

22 2-302.2.

23 (a) To qualify for a license to practice speech-language pathology, an applicant
24 shall be an individual who meets the requirements of this section.

25 (b) The applicant shall be of good moral character.

26 (c) The applicant shall:

27 (1) Hold a master's degree [or its equivalent] in the area of
28 speech-language pathology from an educational institution which incorporates the
29 academic course work and the minimum hours of supervised training required by the
30 regulations adopted by the Board; and

31 (2) Have completed the period of supervised postgraduate professional
32 practice in speech-language pathology as specified by the regulations adopted by the
33 Board.

34 (d) Except as otherwise provided in this title, the applicant shall pass an
35 examination [given or approved by the Board under this subtitle] IN

1 SPEECH-LANGUAGE PATHOLOGY APPROVED UNDER THE REGULATIONS ADOPTED
2 BY THE BOARD.

3 (E) THE APPLICANT SHALL DEMONSTRATE PROFICIENCY IN ENGLISH AS
4 DETERMINED BY THE BOARD.

5 2-302.3.

6 (A) TO QUALIFY FOR A LICENSE TO PRACTICE SPEECH-LANGUAGE
7 PATHOLOGY AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT, AN APPLICANT
8 SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

9 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

10 (C) THE APPLICANT SHALL:

11 (1) (I) HOLD AN ASSOCIATE'S DEGREE FROM AN APPROVED PROGRAM
12 FOR SPEECH-LANGUAGE PATHOLOGY ASSISTANTS AT AN ACCREDITED INSTITUTION;

13 (II) HOLD AN ASSOCIATE'S DEGREE IN AN ALLIED HEALTH FIELD
14 FROM AN ACCREDITED INSTITUTION WITH COURSE WORK THAT MEETS OR EXCEEDS
15 THE REGULATIONS ADOPTED BY THE BOARD; OR

16 (III) HOLD A BACCALAUREATE DEGREE IN SPEECH-LANGUAGE
17 PATHOLOGY OR COMMUNICATION SCIENCE DISORDERS FROM AN ACCREDITED
18 INSTITUTION;

19 (2) PROVIDE TO THE BOARD:

20 (I) PROOF OF COMPLETION OF CLINICAL OBSERVATION HOURS
21 AND SUPERVISED CLINICAL ASSISTING EXPERIENCE HOURS UNDER THE
22 REGULATIONS ADOPTED BY THE BOARD;

23 (II) A COMPETENCY SKILLS CHECKLIST SIGNED BY A LICENSED
24 SPEECH-LANGUAGE PATHOLOGIST AFTER THE APPLICANT COMPLETES A PERIOD OF
25 SUPERVISED PRACTICE BY A LICENSED SPEECH-LANGUAGE PATHOLOGIST; AND

26 (III) PROOF OF PROFICIENCY IN ENGLISH AS DETERMINED BY THE
27 BOARD; AND

28 (3) SATISFY ANY OTHER REQUIREMENTS UNDER THE REGULATIONS
29 ADOPTED BY THE BOARD.

30 (D) (1) THE REGULATIONS ADOPTED BY THE BOARD UNDER THIS SECTION
31 SHALL BE LESS STRINGENT THAN THOSE ADOPTED BY THE BOARD FOR LICENSED
32 SPEECH-LANGUAGE PATHOLOGISTS.

33 (2) THE BOARD MAY WAIVE ANY REQUIREMENT FOR A
34 SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSE UNDER THE REGULATIONS
35 ADOPTED BY THE BOARD.

1 2-303.

2 To apply for a license, an applicant shall:

3 (1) Submit an application to the Board on the form that the Board
4 requires; and

5 (2) Pay to the Board the application fee set by the Board.

6 2-304.

7 (a) An applicant who otherwise qualifies for a license is entitled to be
8 examined as provided in this section.

9 [(b) The Board shall give examinations to applicants at least twice a year, at
10 the times and places that the Board determines.

11 (c) (B) (1) For the examination of applicants for a license to practice
12 audiology or speech-language pathology, the Board may adopt appropriate
13 examinations given by a professional body in the field of audiology or the field of
14 speech-language pathology.

15 (2) AN EXAMINATION SHALL BE IN WRITING AND CONSIST OF TESTS
16 THAT REQUIRE AN APPLICANT TO DEMONSTRATE THE MINIMUM KNOWLEDGE OF
17 SERVICES AND SUBJECT MATTER RELATED TO THE PRACTICE OF AUDIOLOGY OR
18 SPEECH-LANGUAGE PATHOLOGY TO ENABLE THE APPLICANT TO PRACTICE
19 AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY EFFECTIVELY.

20 [(2)] (3) The Board may supplement any written examination given
21 under this section with an oral examination.

22 (C) FOR THE EXAMINATION OF APPLICANTS WHO HOLD A LIMITED LICENSE
23 TO PRACTICE HEARING AID DISPENSING, THE BOARD SHALL GIVE THE EXAMINATION
24 TWICE A YEAR AT THE TIME AND PLACE THAT THE BOARD DETERMINES.

25 (d) The Board shall notify each qualified applicant of the time and place of
26 examination.

27 (e) [Except as otherwise provided in subsection (h) of this section, the] THE
28 Board:

29 (1) [shall] SHALL determine the subjects, scope, form, and passing
30 scores for examinations given under this subtitle; OR

31 (2) MAY ADOPT AN EXAMINATION GIVEN BY A NATIONAL BODY.

32 (f) The Board may not limit the number of times an applicant may take an
33 examination required under this subtitle.

1 [(h)] (G) (1) An applicant who otherwise qualifies for a license to [provide
2 hearing aid services] PRACTICE HEARING AID DISPENSING is entitled to be examined
3 as provided in this subsection.

4 [(2) The Board shall determine the subjects, scope, and form of and the
5 passing score for examinations given under this subsection.

6 (3)] (2) The examination shall consist of a written part and a practical
7 part.

8 [(4) The written part of the examination shall cover the subjects of:

9 (i) The basic physics of sound;

10 (ii) The human hearing mechanism, including:

11 1. The science of hearing;

12 2. The causes of hearing disorders; and

13 3. The rehabilitation of a hearing impaired individual;

14 (iii) The basic psychology that relates to a hearing impaired
15 individual;

16 (iv) The structure and functions of hearing aids;

17 (v) The theory of masking methodology;

18 (vi) The provisions of this title; and

19 (vii) The availability of social services and other special resources for
20 a hearing impaired individual.

21 (5) The practical part of the examination shall test proficiency in:

22 (i) Pure tone audiometry, including testing and recording of air and
23 bone conduction;

24 (ii) Recorded speech audiometry, including:

25 1. Speech reception;

26 2. Threshold testing; and

27 3. Speech discrimination testing;

28 (iii) Masking methodology;

29 (iv) Choice and adaptation of hearing aids;

30 (v) Testing of hearing aids;

- 1 (vi) Maintenance and basic repair of hearing aids;
2 (vii) Taking of ear mold impressions; and
3 (viii) Other techniques and procedures that may be required to fit
4 hearing aids.

5 (6) The Board shall use a new examination at least once a year.

6 (7) The Board may buy or rent and maintain any audiometric equipment
7 or facility that is needed to give examinations under this section.]

8 2-305.

9 (a) The Board may waive any of the qualifications required for a license to
10 practice audiology [or speech-language pathology] under this title for an individual
11 who:

12 (1) Is of good moral character;

13 (2) Pays the application fee required by the Board under § 2-303 of this
14 subtitle; and

15 [(3) Holds the certificate of clinical competence in audiology of the
16 American Speech-Language-Hearing Association and meets the practice
17 requirements established by the Board or holds the certificate of clinical competence
18 in speech-language pathology of the American Speech-Language-Hearing
19 Association and meets the practice requirements established by the Board.]

20 (3) (I) ON OR BEFORE DECEMBER 31, 2006:

21 1. HOLDS OR HAS HELD A NATIONAL CERTIFICATION IN
22 AUDIOLOGY FROM AN ORGANIZATION RECOGNIZED BY THE BOARD AND MEETS THE
23 PRACTICE REQUIREMENTS ESTABLISHED BY THE REGULATIONS ADOPTED BY THE
24 BOARD; OR

25 2. HOLDS A CURRENT LICENSE TO PRACTICE AUDIOLOGY IN
26 ANOTHER STATE THAT THE BOARD DETERMINES HAS REQUIREMENTS FOR
27 LICENSURE THAT ARE AT LEAST EQUIVALENT TO THE REQUIREMENTS OF THE
28 BOARD AND MEETS THE PRACTICE REQUIREMENTS ESTABLISHED UNDER
29 REGULATIONS ADOPTED BY THE BOARD; OR

30 (II) ON OR AFTER JANUARY 1, 2007, HOLDS A LICENSE FROM AN
31 AGENCY OF THE FEDERAL GOVERNMENT OR A BOARD, AGENCY, OR DEPARTMENT OF
32 THIS STATE OR ANOTHER STATE IF:

33 1. THE CURRENT LICENSE WAS ORIGINALLY ISSUED ON OR
34 BEFORE JANUARY 1, 2007;

1 (2) The Board may grant a waiver under this subsection only if the
2 applicant:

3 (i) Pays the application fee required under § 2-303 of this subtitle;
4 and

5 (ii) Provides adequate evidence that the applicant:

6 1. Meets the qualifications otherwise required by this title;
7 [and]

8 2. Became licensed in the other state after meeting, in that
9 or any other state, requirements that are at least equivalent to the licensing
10 requirements of this State; AND

11 3. MEETS THE PRACTICE REQUIREMENTS ESTABLISHED
12 UNDER THE REGULATIONS ADOPTED BY THE BOARD.

13 (3) [If licensed in another state that does not have a continuing
14 education requirement equivalent to that contained in § 2-308(h) of this subtitle, an
15 applicant shall, within 6 months after being issued a license in this State, complete a
16 prescribed number of hours of continuing education as determined by the Board, not
17 to exceed 20 hours, so as to obtain an equivalent number of hours as is required for
18 in-State applicants.] THE BOARD MAY GRANT A WAIVER UNDER THIS SUBSECTION IF
19 AN APPLICANT HOLDS CURRENT NATIONAL BOARD CERTIFICATION AS A HEARING
20 INSTRUMENT SPECIALIST AND MEETS THE PRACTICE REQUIREMENTS ADOPTED BY
21 THE BOARD.

22 [(4) Except as provided by this subsection, the Board may not impose on
23 an individual who applies for a waiver of examination any licensing requirement that
24 is not required of any other applicant for a license.]

25 2-306.

26 The Board shall issue a license to any applicant who:

27 (1) Meets the requirements of this title; and

28 (2) Pays the license fee set by the Board.

29 2-307.

30 A license to practice audiology authorizes the licensee to practice audiology
31 while the license is effective.

32 2-307.1.

33 A license to [provide hearing aid services] PRACTICE HEARING AID DISPENSING
34 authorizes the licensee to [provide hearing aid services] PRACTICE HEARING AID
35 DISPENSING while the license is effective.

1 2-307.2.

2 A license to practice speech-language pathology authorizes the licensee to
3 practice speech-language pathology while the license is effective.

4 2-307.3.

5 A LICENSE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY AS A
6 SPEECH-LANGUAGE PATHOLOGY ASSISTANT AUTHORIZES THE LICENSEE TO
7 PRACTICE SPEECH-LANGUAGE PATHOLOGY WITHIN THE LIMITATIONS
8 ESTABLISHED BY THE BOARD WHILE THE LICENSE IS EFFECTIVE.

9 2-308.

10 (a) Except as provided for a limited license in §§ 2-310, [2-310.1, and
11 2-310.2] THROUGH 2-310.3 of this subtitle, a license expires on the date set by the
12 Board, unless the license is renewed for an additional term as provided in this section.
13 [A license may not be renewed for a term longer than 2 years.]

14 (b) At least [1 month] 2 MONTHS before the license expires, the Board shall
15 [send to the licensee, by first-class mail to the last known address given to the Board
16 by the licensee, a renewal notice that states] CONTACT THE LICENSEE AT THE LAST
17 KNOWN ADDRESS PROVIDED BY THE LICENSEE AND ADVISE THE LICENSEE OF:

18 (1) The date on which the current license expires;

19 (2) The date by which the renewal application must be received by the
20 Board for the renewal to be issued and mailed before the license expires; and

21 (3) The amount of the renewal fee.

22 (c) [Except as otherwise provided in subsection (d) of this section, before]
23 BEFORE the license expires, the licensee periodically may renew it for an additional
24 [2-year] term, if the licensee:

25 (1) Otherwise is entitled to be licensed;

26 (2) Pays to the Board a renewal fee set by the Board; and

27 (3) Submits to the Board:

28 (i) A renewal application on the form that the Board requires; and

29 (ii) [Except as otherwise provided in subsection (h) of this section,
30 satisfactory] SATISFACTORY evidence of compliance with any continuing education
31 requirement set under this section for license renewal.

32 [(d) The Board may waive any education, supervised postgraduate professional
33 practice, or examination requirement of this subtitle for an individual who seeks
34 renewal of a license to practice audiology or speech-language pathology, if the
35 individual prior to July 1, 1991:

1 (1) Was licensed as an audiologist or speech-language pathologist; or

2 (2) Applied for a license to practice audiology or speech-language
3 pathology and subsequently became licensed.

4 (e)] (D) In addition to any other qualifications and requirements established
5 by the Board, the Board, by rule or regulation, shall establish continuing education
6 requirements as a condition to the renewal of licenses under this section.

7 [(f)] (E) The Board shall renew the license of each licensee who meets the
8 requirements of this section.

9 [(g)] (F) An audiologist, hearing aid dispenser, [or] speech-language
10 pathologist, OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT has a grace period of 30
11 days after [the audiologist's, hearing aid dispenser's, or speech-language
12 pathologist's] A license expires in which to renew it retroactively, if the audiologist,
13 hearing aid dispenser, [or] speech-language pathologist, OR SPEECH-LANGUAGE
14 PATHOLOGY ASSISTANT:

15 (1) Otherwise is entitled to have the license renewed; and

16 (2) Pays to the Board the renewal fee and any late fee set by the Board.

17 [(h)] (1) The Board may not renew a license to provide hearing aid services
18 unless the licensee within each 2-year term of a license successfully completes at
19 least 20 hours of instruction provided through 1 or more courses that the Board
20 approves.

21 (2) For purposes of this paragraph, the Board may only approve a course
22 of instruction that the Board finds to be:

23 (i) Related to providing hearing aid services; and

24 (ii) Taught by a qualified teacher.]

25 2-309.

26 (a) If an audiologist, hearing aid dispenser, [or] speech-language pathologist,
27 OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT fails for any reason to renew [the] A
28 license [of the audiologist, hearing aid dispenser, or speech-language pathologist] by
29 the end of the 30-day grace period, the Board shall reinstate the license if the
30 audiologist, hearing aid dispenser, [or] speech-language pathologist, OR
31 SPEECH-LANGUAGE PATHOLOGY ASSISTANT:

32 (1) Applies to the Board for reinstatement of the license within 5 years
33 after the license expires;

34 (2) Meets the renewal requirements of § 2-308 of this subtitle; and

35 (3) Pays to the Board the RENEWAL FEE AND THE reinstatement fee set
36 by the Board.

1 (b) The Board may not reinstate the license of an audiologist, hearing aid
2 dispenser, [or] speech-language pathologist, OR SPEECH-LANGUAGE PATHOLOGY
3 ASSISTANT who fails to apply for reinstatement of the license within 5 years after the
4 license [expires. However, the audiologist, hearing aid dispenser, or speech-language
5 pathologist may become licensed by meeting] EXPIRES, UNLESS THE AUDIOLOGIST,
6 HEARING AID DISPENSER, SPEECH-LANGUAGE PATHOLOGIST, OR
7 SPEECH-LANGUAGE PATHOLOGY ASSISTANT:

8 (1) MEETS THE REQUIREMENTS OF § 2-305 OF THIS SUBTITLE; OR

9 (2) MEETS the current requirements for obtaining a new license under
10 this title including continuing education requirements established by the rules and
11 regulations of the Board.

12 2-310.

13 (a) Subject to the provisions of this section, the Board shall issue a limited
14 license to practice audiology to an applicant who:

15 (1) Except for the examination [and supervised postgraduate
16 professional practice in audiology], meets the license requirements under § 2-302 of
17 this subtitle;

18 (2) Demonstrates to the satisfaction of the Board that for the term of the
19 limited license the applicant will practice audiology only under the supervision of an
20 individual described under subsection (b)(2) of this section;

21 (3) Submits an application to the Board on the form that the Board
22 requires; and

23 (4) Pays to the Board the application fee set by the Board.

24 (b) (1) The purpose of a limited license is to permit an individual to practice
25 audiology while completing the licensing requirements of this title.

26 (2) While it is effective, a limited license authorizes the licensee to
27 practice audiology under the supervision of:

28 (i) A fully licensed audiologist; or

29 (ii) If the individual is employed in a setting in which licensure is
30 not required as provided under § 2-301(b)(1)(i) of this subtitle, an individual who
31 holds national certification in audiology from[

32 1. The American Speech-Language and Hearing Association;
33 or

34 2. Any other] A PROFESSIONAL organization acceptable to
35 the Board UNDER THE REGULATIONS ADOPTED BY THE BOARD.

36 (c) A limited license expires on the first anniversary of its effective date.

1 (d) The Board may renew the limited license once for an additional 1-year
2 term, if the holder:

3 (1) Otherwise meets the requirements of this section;

4 (2) Submits a renewal application to the Board on the form that the
5 Board requires; and

6 (3) Pays to the Board a limited license renewal fee set by the Board.

7 (E) AN INDIVIDUAL MAY OBTAIN A LIMITED LICENSE ONCE AND MAY RENEW
8 THE LIMITED LICENSE ONCE FOR AN ADDITIONAL 1-YEAR TERM.

9 2-310.1.

10 (a) Subject to the provisions of this section, the Board shall issue a limited
11 license to [provide hearing aid services] PRACTICE HEARING AID DISPENSING to an
12 individual who is waiting to take a licensing examination under this subtitle.

13 (b) The Board may issue a limited license to [provide hearing aid services]
14 PRACTICE HEARING AID DISPENSING only to an individual who:

15 (1) Except for COMPLETING THE REQUIREMENTS UNDER § 2-302.1(C)(2)
16 AND taking and passing an examination under this subtitle, otherwise qualifies for a
17 license;

18 (2) Submits to the Board an application on the form that the Board
19 provides;

20 (3) Satisfies the Board that the individual will [provide hearing aid
21 services] PRACTICE HEARING AID DISPENSING only within the scope allowed under
22 subsection (c) of this section; and

23 (4) Pays to the Board the application fee set by the Board.

24 (c) While a limited license to [provide hearing aid services] PRACTICE
25 HEARING AID DISPENSING is in effect, it authorizes the holder to [provide hearing aid
26 services] PRACTICE HEARING AID DISPENSING only while being trained under the
27 supervision of a licensed hearing aid dispenser OR A LICENSED AUDIOLOGIST.

28 (d) A limited license to [provide hearing aid services] PRACTICE HEARING AID
29 DISPENSING expires on the first anniversary of its effective date.

30 (e) Subject to the provisions of this subsection, the Board may renew once for
31 an additional 1-year term the limited license to [provide hearing aid services]
32 PRACTICE HEARING AID DISPENSING of an individual who:

33 (1) (i) Takes but fails to pass the examination; or

34 (ii) Does not take the examination for a reason that the Board finds
35 adequate to excuse the failure to take the examination;

1 (2) Submits to the Board a renewal application on the form that the
2 Board provides; and

3 (3) Pays to the Board the renewal fee set by the Board.

4 (f) The total amount of time during which an individual may [provide hearing
5 aid services] PRACTICE HEARING AID DISPENSING under a limited license or licenses
6 may not be more than 2 years.

7 (G) IF A LIMITED LICENSEE FAILS TO RECEIVE A FULL LICENSE WITHIN 2
8 YEARS, THE INDIVIDUAL SHALL WAIT AT LEAST 1 YEAR BEFORE APPLYING FOR A
9 NEW LIMITED LICENSE.

10 2-310.2.

11 (a) Subject to the provisions of this section, the Board shall issue a limited
12 license to practice speech-language pathology to an applicant who:

13 (1) Except for the examination and supervised postgraduate professional
14 practice in speech-language pathology, meets the license requirements under §
15 2-302.2 of this subtitle;

16 (2) Demonstrates to the satisfaction of the Board that for the term of the
17 limited license the applicant will practice only under the supervision of an individual
18 described under subsection (b)(2) of this section;

19 (3) Submits an application to the Board on the form that the Board
20 requires; and

21 (4) Pays to the Board the application fee set by the Board.

22 (b) (1) The purpose of a limited license to practice speech-language
23 pathology is to permit an individual to practice speech-language pathology while
24 completing the licensing requirements of this title.

25 (2) While it is effective, a limited license to practice speech-language
26 pathology authorizes the licensee to practice speech-language pathology under the
27 supervision of:

28 (i) A fully licensed speech-language pathologist; or

29 (ii) If the individual is employed in a setting in which licensure is
30 not required as provided under § 2-301(b)(1)(i) [and (iii)] of this subtitle, an
31 individual who holds national certification in speech-language pathology from[:

32 1. The American Speech-Language and Hearing Association;
33 or

34 2. Any other] A PROFESSIONAL organization acceptable to
35 the Board UNDER THE REGULATIONS ADOPTED BY THE BOARD.

1 (c) A limited license to practice speech-language pathology expires on the first
2 anniversary of its effective date.

3 (d) The Board may renew the limited license to practice speech-language
4 pathology once for an additional 1-year term, if the holder:

5 (1) Otherwise meets the requirements of this section;

6 (2) Submits a renewal application to the Board on the form that the
7 Board requires; and

8 (3) Pays to the Board a limited license renewal fee set by the Board.

9 (E) IF A LIMITED LICENSEE FAILS TO RECEIVE A FULL LICENSE WITHIN 2
10 YEARS, THE INDIVIDUAL SHALL WAIT AT LEAST 1 YEAR BEFORE APPLYING FOR A
11 NEW LIMITED LICENSE.

12 2-310.3.

13 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL ISSUE
14 A LIMITED LICENSE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY AS A
15 SPEECH-LANGUAGE PATHOLOGY ASSISTANT, TO AN APPLICANT WHO:

16 (1) EXCEPT FOR THE SUPERVISED PRACTICE REQUIREMENT UNDER §
17 2-302.3(C)(2)(I) OF THIS SUBTITLE, MEETS THE LICENSE REQUIREMENTS UNDER §
18 2-302.3 OF THIS SUBTITLE;

19 (2) DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT FOR
20 THE TERM OF THE LIMITED LICENSE THE APPLICANT WILL PRACTICE ONLY UNDER
21 THE SUPERVISION OF AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (B)(2) OF THIS
22 SECTION;

23 (3) SUBMITS AN APPLICATION TO THE BOARD ON THE FORM THAT THE
24 BOARD REQUIRES; AND

25 (4) PAYS TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

26 (B) (1) THE PURPOSE OF A LIMITED LICENSE TO PRACTICE
27 SPEECH-LANGUAGE PATHOLOGY AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT
28 IS TO PERMIT AN INDIVIDUAL TO PRACTICE SPEECH-LANGUAGE PATHOLOGY WHILE
29 COMPLETING THE LICENSING REQUIREMENTS OF THIS TITLE.

30 (2) WHILE IT IS EFFECTIVE, A LIMITED LICENSE TO PRACTICE
31 SPEECH-LANGUAGE PATHOLOGY AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT
32 AUTHORIZES THE LICENSEE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY AS A
33 SPEECH-LANGUAGE PATHOLOGY ASSISTANT UNDER THE SUPERVISION OF:

34 (I) A FULLY LICENSED SPEECH-LANGUAGE PATHOLOGIST; OR

35 (II) IF THE INDIVIDUAL IS EMPLOYED IN A SETTING IN WHICH
36 LICENSURE IS NOT REQUIRED AS PROVIDED UNDER § 2-301(B)(1)(I) OF THIS

1 SUBTITLE, AN INDIVIDUAL WHO HOLDS NATIONAL CERTIFICATION IN
2 SPEECH-LANGUAGE PATHOLOGY FROM A PROFESSIONAL ORGANIZATION
3 ACCEPTABLE UNDER THE REGULATIONS ADOPTED BY THE BOARD.

4 (C) A LIMITED LICENSE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY AS A
5 SPEECH-LANGUAGE PATHOLOGY ASSISTANT EXPIRES ON THE FIRST ANNIVERSARY
6 OF ITS EFFECTIVE DATE.

7 (D) THE BOARD MAY RENEW THE LIMITED LICENSE TO PRACTICE
8 SPEECH-LANGUAGE PATHOLOGY AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT
9 ONCE FOR AN ADDITIONAL 1-YEAR TERM, IF THE HOLDER:

10 (1) OTHERWISE MEETS THE REQUIREMENTS OF THIS SECTION;

11 (2) SUBMITS A RENEWAL APPLICATION TO THE BOARD ON THE FORM
12 THAT THE BOARD REQUIRES; AND

13 (3) PAYS TO THE BOARD A TEMPORARY LICENSE RENEWAL FEE SET BY
14 THE BOARD.

15 (E) IF A LICENSEE WHO HOLDS A LIMITED LICENSE FAILS TO RECEIVE A FULL
16 LICENSE WITHIN 2 YEARS, THE INDIVIDUAL SHALL WAIT AT LEAST 1 YEAR BEFORE
17 APPLYING FOR A NEW LIMITED LICENSE.

18 2-311.

19 (a) Each licensee shall display the license conspicuously in the office or place
20 of employment of the licensee.

21 [(b) (1) The Board shall keep a record of the address of each place where a
22 licensee practices audiology, provides hearing aid services, or practices
23 speech-language pathology.

24 (2) Each licensee shall notify the Board in writing:

25 (i) Of the address of each place where the licensee practices or
26 intends to practice audiology, provide hearing aid services, or practice
27 speech-language pathology; and

28 (ii) Within 30 days after the change, of any change of address.

29 (3) If a licensee has more than one place of business, the licensee shall
30 specify on each notice required under this subsection the place to which the Board
31 should mail its notices and other correspondence to the licensee.]

32 (B) IF A LICENSEE HAS MORE THAN ONE PLACE OF BUSINESS, THE LICENSEE
33 SHALL NOTIFY THE BOARD OF THE ADDRESS THE BOARD MAY USE TO SEND NOTICES
34 AND OTHER CORRESPONDENCE.

35 (C) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE OF
36 ADDRESS WITHIN 30 DAYS AFTER THE CHANGE OF ADDRESS.

1 2-312.

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

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

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

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

9 2-313.

10 (a) Unless the Board agrees to accept the surrender of a license or a limited
11 license, a licensed audiologist, hearing aid dispenser, [or] speech-language
12 pathologist, OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT or holder of a limited
13 license [to practice audiology, provide hearing aid services, or practice
14 speech-language pathology] may not surrender the license or limited license nor may
15 the license lapse by operation of law while the licensee is under investigation or while
16 charges are pending against the licensee.

17 (b) The Board may set conditions on its agreement with [the] A LICENSED
18 audiologist, hearing aid dispenser, [or] speech-language pathologist, OR
19 SPEECH-LANGUAGE PATHOLOGY ASSISTANT or holder of a limited license to practice
20 audiology, [provide hearing aid services, or practice] HEARING AID DISPENSING, OR
21 speech-language pathology OR PRACTICE SPEECH-LANGUAGE PATHOLOGY AS A
22 SPEECH-LANGUAGE PATHOLOGY ASSISTANT under investigation or against whom
23 charges are pending to accept surrender of the license.

24 2-314.

25 Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny
26 a license or limited license to any applicant, reprimand any licensee or holder of a
27 limited license, place any licensee or holder of a limited license on probation, or
28 suspend or revoke a license or limited license if the applicant, licensee, or holder:

29 (1) Fraudulently or deceptively obtains or attempts to obtain a license or
30 limited license for the applicant, licensee, or holder or for another;

31 (2) Fraudulently or deceptively uses a license or limited license;

32 (3) Commits fraud or deceit in the practice of audiology, [the provision of
33 hearing aid services, or the practice of] HEARING AID DISPENSING, OR
34 speech-language pathology;

35 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
36 crime involving moral turpitude, whether or not any appeal or other proceeding is
37 pending to have the conviction or plea set aside;

- 1 (5) Obtains a fee through fraud or misrepresentation;
- 2 (6) Directly or indirectly employs any unlicensed person or any person
3 whose license or limited license has been suspended;
- 4 (7) Uses or promotes or causes the use of any misleading, deceiving,
5 improbable, or untruthful advertising matter, promotional literature, testimonial,
6 guarantee, warranty, label, brand, insignia, or other representation;
- 7 (8) In the practice of audiology, [the providing of hearing aid services, or
8 the practice of] HEARING AID DISPENSING, OR speech-language pathology:
- 9 (i) Falsely represents the use or availability of services or advice of
10 a physician; or
- 11 (ii) Misrepresents the applicant, licensee, or holder by using the
12 word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate;
- 13 (9) Permits another person to use the license of the licensee or limited
14 license of the holder;
- 15 (10) Commits any act of unprofessional conduct in the practice of
16 audiology, [the provision of hearing aid services] HEARING AID DISPENSING, or the
17 practice of speech-language pathology;
- 18 (11) Violates any lawful order given or regulation adopted by the Board;
- 19 (12) Violates any provision of this title;
- 20 (13) Provides professional services while:
- 21 (i) Under the influence of alcohol; or
- 22 (ii) Using any narcotic or controlled dangerous substance, as
23 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
24 therapeutic amounts or without valid medical indication;
- 25 (14) Is disciplined by a licensing or disciplinary authority of any other
26 state or country or convicted or disciplined by a court of any state or country for an act
27 that would be grounds for disciplinary action under this section;
- 28 (15) Practices audiology, [provides hearing aid services, or practices]
29 HEARING AID DISPENSING, OR speech-language pathology with an unauthorized
30 person or supervises or aids an unauthorized person in the practice of audiology, [the
31 provision of hearing aid services, or the practice of] HEARING AID DISPENSING, OR
32 speech-language pathology;
- 33 (16) [Willfully] KNOWINGLY makes or files a false report or record in the
34 practice of audiology, [the provision of hearing aid services, or the practice of]
35 HEARING AID DISPENSING, OR speech-language pathology;

1 (17) [Willfully] KNOWINGLY fails to file or record any report as required
2 by law, willfully impedes or obstructs the filing or recording of the report, or induces
3 another to fail to file or record the report;

4 (18) Submits a false statement to collect a fee;

5 (19) Is professionally, physically, or mentally incompetent;

6 (20) Promotes the sale of devices, appliances, or goods to a patient so as to
7 exploit the patient for financial gain;

8 (21) Behaves immorally in the practice of audiology, [the provision of
9 hearing aid services, or the practice of] HEARING AID DISPENSING, OR
10 speech-language pathology;

11 (22) Refuses, withholds from, denies, or discriminates against an
12 individual with regard to the provision of professional services for which the licensee
13 is licensed and qualified to render because the individual is HIV positive; or

14 (23) Pays or agrees to pay any sum to any person for bringing or referring
15 a patient.

16 2-314.1.

17 (a) In this section, "medical examination" means a physical examination of the
18 ear of an individual by an otolaryngologist, otologist, or other physician.

19 (b) (1) Before an audiologist or a hearing aid dispenser sells a hearing aid to
20 an individual, the audiologist or hearing aid dispenser shall determine whether the
21 individual has had a medical examination within the 6 months before the hearing aid
22 service is to be provided.

23 (2) Unless an audiologist or a hearing aid dispenser determines that an
24 individual has had a medical examination within the period set under paragraph (1)
25 of this subsection, the audiologist or hearing aid dispenser:

26 (i) Shall give the individual a written recommendation that the
27 individual obtain a medical examination; and

28 (ii) Except as provided in subsection (c) of this section, may not sell
29 a hearing aid to the individual until the individual provides to the audiologist or the
30 hearing aid dispenser satisfactory written evidence that the individual has had a
31 medical examination within the 6 months before the hearing aid is provided.

32 (c) (1) An audiologist or a hearing aid dispenser may sell a hearing aid to an
33 individual without complying with the requirements of subsection (b)(2)(ii) of this
34 section only if the services are:

35 (i) Limited to replacement of a hearing aid; or

36 (ii) Provided to an individual who:

- 1 1. Is at least 18 years old; and
- 2 2. Before a hearing aid is provided[;
- 3 A. Signs], SIGNS a written waiver of the medical examination
- 4 that otherwise is required under subsection (b)(2)(ii) of this section[; and
- 5 B. Is given a copy of the signed waiver by the audiologist or
- 6 hearing aid dispenser].

7 (2) Each audiologist or hearing aid dispenser shall keep a copy of each
8 signed waiver [given to an individual under this subsection].

9 2-314.2.

10 While [providing or offering to provide hearing aid services] PRACTICING
11 AUDIOLOGY OR HEARING AID DISPENSING, an audiologist or a hearing aid dispenser
12 may not:

13 (1) Advertise a particular model, type, or kind of hearing aid for sale
14 while intending:

15 (i) 1. Not to allow an individual who responds to the
16 advertisement to buy the hearing aid advertised; or

17 2. To dissuade an individual who responds to the
18 advertisement from buying the hearing aid advertised; and

19 (ii) To obtain for a prospective buyer a model, type, or kind of
20 hearing aid that differs from that advertised; or

21 (2) Falsely represent the use or availability of services or advice of a
22 physician for providing hearing aid services.

23 2-314.3.

24 While [providing or offering to provide hearing aid services] PRACTICING
25 HEARING AID DISPENSING, a hearing aid dispenser may not misrepresent the place of
26 business of the person by use of the word "clinic" or any similar word, abbreviation, or
27 symbol to indicate falsely that a medical service is provided at that place.

28 2-314.4.

29 A person may not provide hearing aid services under a false name.

30 2-314.5.

31 While [providing or offering to provide hearing aid services] PRACTICING
32 AUDIOLOGY OR HEARING AID DISPENSING, an audiologist or a hearing aid dispenser
33 may not directly or indirectly give or offer to give anything of value to another person

1 who provides professional services to clients, if the thing of value is given to induce
2 the person receiving the thing of value to:

3 (1) Buy a product or service from the person giving the thing of value;

4 (2) Refrain from buying a product or service of a competitor of the person
5 giving the thing of value; or

6 (3) Influence another to:

7 (i) Buy a product or service from the person giving the thing of
8 value; or

9 (ii) Refrain from buying a product or service of a competitor of the
10 person giving the thing of value.

11 2-314.6.

12 (a) Subject to subsection (b) of this section, a person may not sell or attempt to
13 sell a hearing aid to any person by door-to-door solicitation.

14 (b) Subsection (a) of this section does not apply to a solicitation that is made:

15 (1) At the request of the solicited individual; OR

16 (2) In response to an inquiry from the solicited individual; or

17 (3) On referral of the person making the solicitation to the solicited
18 individual by a third party].

19 2-314.7.

20 While [providing or offering to provide hearing aid services] PRACTICING
21 AUDIOLOGY OR HEARING AID DISPENSING, a person may not engage in an unfair or
22 deceptive trade practice, as defined in § 13-301 of the Commercial Law Article.

23 2-314.8.

24 Each time an audiologist or a hearing aid dispenser sells a hearing aid to an
25 individual, the audiologist or the hearing aid dispenser shall give the individual a
26 receipt that includes:

27 (1) The name and address of the regular place of business of the
28 audiologist or the hearing aid dispenser;

29 (2) The license number of the audiologist or the hearing aid dispenser;

30 (3) The [specifications] MAKE, MODEL, AND SERIAL NUMBER of the
31 hearing aid provided;

1 (4) If the hearing aid is used or reconditioned, a statement that indicates
2 that the hearing aid is used or reconditioned;

3 (5) The amount charged for the hearing aid; [and]

4 (6) THE TOTAL REFUNDABLE AMOUNT OF THE HEARING AID IF THE
5 HEARING AID IS RETURNED WITHIN 30 DAYS AS PROVIDED IN THE HEARING AID
6 SALES ACT, TITLE 14, SUBTITLE 25, OF THE COMMERCIAL LAW ARTICLE; AND

7 [(6)] (7) The signature of the audiologist or the hearing aid dispenser.

8 2-314.9.

9 (a) If after a hearing under § 2-315 of this subtitle, the Board finds that there
10 are grounds under § 2-314 of this subtitle to suspend or revoke a license or to
11 reprimand a licensee or place a licensee on probation, the Board may impose a
12 penalty not exceeding [\$1,000] \$5,000 in addition to suspending or revoking the
13 license, reprimanding the licensee, or placing the licensee on probation.

14 (b) The Board shall adopt regulations to set standards for the imposition of
15 penalties under this section.

16 (c) The Board shall pay any penalty collected under this section into the
17 General Fund of the State.

18 2-315.

19 (a) Except as otherwise provided in the Administrative Procedure Act, before
20 the Board takes any action under § 2-314 of this subtitle or denies a license or a
21 limited license for any other reason, it shall give the individual against whom the
22 action is contemplated an opportunity for a hearing before the Board.

23 (b) The Board shall give notice and hold the hearing in accordance with the
24 Administrative Procedure Act.

25 (c) Any notice given under this section shall be sent by first-class mail to the
26 last known address given to the Board by the individual.

27 (d) If after due notice the individual against whom the action is contemplated
28 fails or refuses to appear, nevertheless the Board may hear and determine the matter.

29 (E) WITH THE SIGNATURE OF AN OFFICER OR ADMINISTRATOR OF THE
30 BOARD, THE BOARD MAY ISSUE A SUBPOENA OR ADMINISTER AN OATH FOR CERTAIN
31 INVESTIGATIONS, HEARINGS, OR PROCEEDINGS UNDER THIS TITLE.

32 (F) IF, AFTER A HEARING, A LICENSEE IS FOUND IN VIOLATION OF THIS
33 TITLE, THE LICENSEE SHALL PAY COSTS OF THE HEARING AS SPECIFIED IN
34 REGULATIONS ADOPTED BY THE BOARD.

1 2-316.

2 (a) Except as provided in this section for an action under § 2-314 of this
3 subtitle, any person aggrieved by a final decision of the Board in a contested case, as
4 defined in the Administrative Procedure Act, may:

5 (1) Appeal that decision to the Board of Review; and

6 (2) Then take any further appeal allowed by the Administrative
7 Procedure Act.

8 (b) (1) Any person aggrieved by a final decision of the Board under § 2-314
9 of this subtitle may not appeal to the Secretary or Board of Review but may take a
10 direct judicial appeal.

11 (2) The appeal shall be made as provided for judicial review of final
12 decisions in the Administrative Procedure Act.

13 (C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

14 2-317.

15 (A) If the license of an audiologist, hearing aid dispenser, [or]
16 speech-language pathologist, OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT is
17 suspended or revoked under § 2-314 of this subtitle, and it is not reinstated by the
18 Board within 5 years, the Board may not reinstate it.

19 (B) [However, the] IF A LICENSE MAY NOT BE REINSTATED UNDER
20 SUBSECTION (A) OF THIS SECTION, AN audiologist, hearing aid dispenser, [or]
21 speech-language pathologist, OR SPEECH LANGUAGE PATHOLOGY ASSISTANT [then]
22 may apply for a new license [under] BY MEETING the current licensing requirements
23 for obtaining a new license under this title AND ANY ADDITIONAL REQUIREMENTS
24 DETERMINED BY THE BOARD.

25 2-318.

26 (a) In this section, "[audiologist] rehabilitation committee" means a
27 committee that:

28 (1) Is defined in subsection (b) of this section; and

29 (2) Performs any of the functions listed in subsection (d) of this section.

30 (b) For purposes of this section, [an audiologist] A rehabilitation committee is
31 a committee of the Board or a committee of [the Maryland Speech-Language and
32 Hearing Association] A PROFESSIONAL ASSOCIATION APPROVED BY THE BOARD
33 that:

34 (1) Is recognized by the Board; and

1 (2) Includes but is not limited to audiologists, HEARING AID
2 DISPENSERS, SPEECH-LANGUAGE PATHOLOGISTS, AND SPEECH-LANGUAGE
3 PATHOLOGY ASSISTANTS.

4 (c) A rehabilitation committee of the Board or recognized by the Board may
5 function:

6 (1) Solely for the Board; or

7 (2) Jointly with a rehabilitation committee representing another Board
8 or Boards.

9 (d) For purposes of this section, [an audiologist] A rehabilitation committee
10 evaluates and provides assistance to any audiologist, HEARING AID DISPENSER,
11 SPEECH-LANGUAGE PATHOLOGIST, OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT,
12 and any other individual regulated by the Board, in need of treatment and
13 rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,
14 emotional, or mental condition.

15 (e) (1) Except as otherwise provided in this subsection, the proceedings,
16 records, and files of the [audiologist] rehabilitation committee are not discoverable
17 and are not admissible in evidence in any civil action arising out of matters that are
18 being or have been reviewed and evaluated by the [audiologist] rehabilitation
19 committee.

20 (2) Paragraph (1) of this subsection does not apply to any record or
21 document that is considered by the [audiologist] rehabilitation committee and that
22 otherwise would be subject to discovery or introduction into evidence in a civil action.

23 (3) For purposes of this subsection, civil action does not include a
24 proceeding before the Board or judicial review of a proceeding before the Board.

25 (f) A person who acts in good faith and within the scope of jurisdiction of [an
26 audiologist] THE rehabilitation committee is not civilly liable for any action as a
27 member of the [audiologist] rehabilitation committee or for giving information to,
28 participating in, or contributing to the function of the [audiologist] rehabilitation
29 committee.

30 [2-318.1.

31 (a) In this section, "speech-language pathologist rehabilitation committee"
32 means a committee that:

33 (1) Is defined in subsection (b) of this section; and

34 (2) Performs any of the functions listed in subsection (d) of this section.

35 (b) For purposes of this section, a speech-language pathologist rehabilitation
36 committee is a committee of the Board or a committee of the Maryland
37 Speech-Language and Hearing Association that:

1 (1) Is recognized by the Board; and

2 (2) Includes but is not limited to speech-language pathologists.

3 (c) A rehabilitation committee of the Board or recognized by the Board may
4 function:

5 (1) Solely for the Board; or

6 (2) Jointly with a rehabilitation committee representing another board
7 or boards.

8 (d) For purposes of this section, a speech-language pathologist rehabilitation
9 committee evaluates and provides assistance to any speech-language pathologist,
10 and any other individual regulated by the Board, in need of treatment and
11 rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,
12 emotional, or mental condition.

13 (e) (1) Except as otherwise provided in this subsection, the proceedings,
14 records, and files of the speech-language pathologist rehabilitation committee are not
15 discoverable and are not admissible in evidence in any civil action arising out of
16 matters that are being or have been reviewed and evaluated by the speech-language
17 pathologist rehabilitation committee.

18 (2) Paragraph (1) of this subsection does not apply to any record or
19 document that is considered by the speech-language pathologist rehabilitation
20 committee and that otherwise would be subject to discovery or introduction into
21 evidence in a civil action.

22 (3) For purposes of this subsection, civil action does not include a
23 proceeding before the Board or judicial review of a proceeding before the Board.

24 (f) A person who acts in good faith and within the scope of jurisdiction of a
25 speech-language pathologist rehabilitation committee is not civilly liable for any
26 action as a member of the speech-language pathologist rehabilitation committee or
27 for giving information to, participating in, or contributing to the function of the
28 speech-language pathologist rehabilitation committee.]

29 [2-318.2.

30 (a) In this section, "hearing aid dispenser rehabilitation committee" means a
31 committee that:

32 (1) Is defined in subsection (b) of this section; and

33 (2) Performs any of the functions listed in subsection (d) of this section.

34 (b) For purposes of this section, a hearing aid dispenser rehabilitation
35 committee is a committee of the Board or a committee of the Maryland members of

1 the Hearing Aid Specialist Association of Maryland, District of Columbia, and
2 Delaware that:

3 (1) Is recognized by the Board; and

4 (2) Includes but is not limited to hearing aid dispensers.

5 (c) A rehabilitation committee of the Board or recognized by the Board may
6 function:

7 (1) Solely for the Board; or

8 (2) Jointly with a rehabilitation committee representing another board
9 or boards.

10 (d) For purposes of this section, a hearing aid dispenser rehabilitation
11 committee evaluates and provides assistance to any hearing aid dispenser, and any
12 other individual regulated by the Board, in need of treatment and rehabilitation for
13 alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental
14 condition.

15 (e) (1) Except as otherwise provided in this subsection, the proceedings,
16 records, and files of the hearing aid dispenser rehabilitation committee are not
17 discoverable and are not admissible in evidence in any civil action arising out of
18 matters that are being or have been reviewed and evaluated by the hearing aid
19 dispenser rehabilitation committee.

20 (2) Paragraph (1) of this subsection does not apply to any record or
21 document that is considered by the hearing aid dispenser rehabilitation committee
22 and that otherwise would be subject to discovery or introduction into evidence in a
23 civil action.

24 (3) For purposes of this subsection, civil action does not include a
25 proceeding before the Board or judicial review of a proceeding before the Board.

26 (f) A person who acts in good faith and within the scope of jurisdiction of a
27 hearing aid dispenser rehabilitation committee is not civilly liable for any action as a
28 member of the hearing aid dispenser rehabilitation committee or for giving
29 information to, participating in, or contributing to the function of the hearing aid
30 dispenser rehabilitation committee.]

31 2-319.

32 (a) A licensed speech-language pathologist may delegate duties to an
33 assistant within the scope of practice and supervision guidelines in the regulations
34 adopted under subsection (b) of this section.

35 (b) The Board shall adopt regulations to establish qualifications AND SCOPE
36 OF PRACTICE for the position of a speech-language [pathologist] PATHOLOGY

1 assistant AND THE REQUIREMENTS FOR THE SUPERVISION OF A SPEECH-LANGUAGE
2 PATHOLOGY ASSISTANT BY A SPEECH-LANGUAGE PATHOLOGIST SUPERVISOR.

3 2-401.

4 (a) Except as otherwise provided in this title, a person may not practice,
5 attempt to practice, or offer to practice audiology, [provide hearing aid services]
6 HEARING AID DISPENSING, or [practice] speech-language pathology in this State
7 unless licensed to practice audiology, [provide hearing aid services] HEARING AID
8 DISPENSING, or [practice] speech-language pathology, OR ASSIST, ATTEMPT TO
9 ASSIST, OR OFFER TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY
10 UNLESS LICENSED by the Board.

11 (b) A person may not use or attempt to use a license or a limited license that
12 has been purchased, fraudulently obtained, counterfeited, or materially altered.

13 2-402.

14 (a) Unless authorized to practice audiology under this title, a person may not
15 represent to the public by title, by description of services, methods, or procedures, or
16 otherwise that the person:

17 (1) Is authorized to practice audiology in this State; or

18 (2) Evaluates, examines, directs, instructs, or counsels individuals
19 suffering from disorders or conditions that affect hearing, AND BALANCE or assists
20 those individuals in the perception of sound.

21 (b) Unless authorized to practice audiology under this title, a person may not
22 use, with the intent to represent that the person practices audiology, any of the
23 following words or terms:

24 (1) "Audiological";

25 (2) "Audiologist";

26 (3) "Audiology";

27 (4) "Hearing clinic";

28 (5) "Hearing clinician";

29 (6) ["Hearing or aural] "AURAL rehabilitation"; or

30 (7) "Hearing specialist".

31 (c) While performing the duties of that employment, an individual employed
32 by any agency of the federal government, county public school system, State approved
33 nonpublic school for handicapped children, chartered educational institution of this
34 State, or the State Department of Education may use any of the titles listed in
35 subsection (b) of this section.

1 2-402.1.

2 Unless authorized under this title to [provide hearing aid services] PRACTICE
 3 HEARING AID DISPENSING, a person may not represent to the public, by use of a title,
 4 including "licensed hearing aid dispenser", by description of services, methods, or
 5 procedures, or otherwise, that the person is authorized to [provide hearing aid
 6 services] PRACTICE HEARING AID DISPENSING in the State.

7 2-402.2.

8 (a) Unless authorized to practice speech-language pathology under this title,
 9 a person may not represent to the public by title, by description of services, methods,
 10 or procedures, or otherwise that the person:

11 (1) Is authorized to practice speech-language pathology in this State; or

12 (2) Evaluates, examines, instructs, or counsels individuals suffering
 13 from disorders or conditions that affect speech [and], language, COMMUNICATION,
 14 AND SWALLOWING.

15 (b) Unless authorized to practice speech-language pathology under this title,
 16 a person may not use any word or term connoting professional proficiency in
 17 speech-language pathology, including but not limited to:

18 (1) "Communication disorders";

19 (2) "Communicologist";

20 (3) "DYSPHAGIST";

21 [(3)] (4) "Language pathologist";

22 [(4)] (5) "Logopedist";

23 [(5)] (6) "Speech and language clinician";

24 [(6)] (7) "Speech and language therapist";

25 [(7)] (8) "Speech clinic";

26 [(8)] (9) "Speech clinician";

27 [(9)] (10) "Speech correction";

28 [(10)] (11) "Speech correctionist";

29 [(11)] (12) "Speech pathology";

30 [(12)] (13) "Speech-language pathology";

31 [(13)] (14) "Speech therapist"; [or]

1 [(14)] (15) "Speech therapy"; OR

2 (16) "SWALLOWING THERAPIST".

3 (c) While performing the duties of that employment, an individual employed
4 by any agency of the federal government[, county public school system, State
5 approved nonpublic school for handicapped children, chartered educational
6 institution of this State, or the State Department of Education] may use any of the
7 titles listed in subsection (b) of this section.

8 2-402.3.

9 UNLESS AUTHORIZED UNDER THIS TITLE TO PRACTICE SPEECH-LANGUAGE
10 PATHOLOGY AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT, A PERSON MAY NOT
11 REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING "LICENSED
12 SPEECH-LANGUAGE PATHOLOGY ASSISTANT", OR UNLESS OTHERWISE DEFINED IN
13 THIS ARTICLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR
14 OTHERWISE, THAT THE PERSON IS AUTHORIZED TO ASSIST THE PRACTICE OF
15 SPEECH-LANGUAGE PATHOLOGY IN THE STATE.

16 2-403.

17 A person may not knowingly make a false, material statement in an application
18 for a license or a limited license or for renewal of a license or a limited license.

19 2-404.

20 A person may not materially alter a license or a limited license with fraudulent
21 intent.

22 2-405.

23 A person may not transfer or offer to transfer a license or a limited license for
24 consideration.

25 2-406.

26 While providing hearing aid services as an audiologist or a hearing aid
27 dispenser, a person may not:

28 (1) Engage in an unfair or deceptive trade practice, as defined in §
29 13-301 of the Commercial Law Article; or

30 (2) Violate any provision of Title 14, Subtitle 25 of the Commercial Law
31 Article.

32 2-408.

33 A person who violates any provision of this title is guilty of a misdemeanor and
34 on conviction is subject to a fine not exceeding [\$500] \$5,000 or imprisonment not
35 exceeding [90 days] 3 YEARS or both.

1 2-501.

2 This title may be cited as the "Maryland [Audiologists, Hearing Aid Dispensers,
3 and Speech-Language Pathologists] AUDIOLOGY, HEARING AID DISPENSING, AND
4 SPEECH-LANGUAGE PATHOLOGY Act".

5 2-502.

6 Subject to the evaluation and reestablishment provisions of the Maryland
7 Program Evaluation Act, this title and all rules and regulations adopted under this
8 title shall terminate and be of no effect after July 1, 2016.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2006.