
By: **Senator Conway**
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CHAPTER _____

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

1 date by which an audiology applicant may hold a master's degree to satisfy
2 certain education requirements for licensing; altering certain requirements to
3 qualify for a license to practice hearing aid dispensing after a certain date;
4 repealing the option an applicant for a speech-language pathology license had to
5 hold the equivalent of a certain master's degree to qualify for a certain license;
6 requiring certain applicants to meet certain requirements to qualify for a license
7 to practice ~~speech-language pathology~~ as a speech-language pathology
8 assistant; establishing the requirements for a license to practice
9 ~~speech-language pathology~~ as a speech-language pathology assistant; requiring
10 the Board to adopt certain regulations for speech-language pathology assistants
11 that are less stringent than certain regulations for speech-language
12 pathologists; authorizing the Board to waive certain requirements for a license
13 to practice ~~speech-language pathology~~ as a speech-language pathology
14 assistant; repealing the requirement for the Board to give an examination to
15 certain applicants a certain number of times; establishing requirements for
16 certain licensing examinations; repealing the authority of the Board to
17 determine the subjects, scope, form, and passing score for certain examinations;
18 repealing certain requirements for certain written and practical examinations;
19 altering certain waiver requirements for certain applicants; repealing a certain
20 requirement for individuals who are licensed in another state that does not have
21 certain continuing education requirements; authorizing the Board to grant a
22 waiver for an examination if an applicant holds certain national certification
23 and meets certain practice requirements; repealing the requirement that the
24 Board not require applicants to practice hearing aid dispensing who hold a
25 certain license from another state to satisfy any licensing requirement that is
26 not required for other applicants for the practice of hearing aid dispensing;
27 altering a certain period of notice the Board is required to give before a license
28 expires; altering certain renewal requirements for certain licenses; authorizing
29 the Board to reinstate a speech-language pathology assistant license under
30 certain circumstances; requiring certain licensees to pay a renewal fee for
31 reinstatement for a certain license; prohibiting the Board from reinstating a
32 speech-language pathology license if the licensee does not apply within a certain
33 period of time unless certain requirements are met; altering certain
34 requirements for issuing a limited license to practice audiology; establishing the
35 terms and renewal requirements for limited licenses to practice audiology,
36 hearing aid dispensing, and speech-language pathology; establishing a limited
37 license for speech-language pathology assistants; establishing the requirements
38 for a limited license for speech-language pathology assistants; establishing the
39 term and renewal requirements for a limited license for speech-language
40 pathology assistants; repealing the requirement that the Board keep a record of
41 certain addresses of licensees; requiring a licensee to provide the Board notice of
42 where to send certain correspondence; requiring a licensee to provide the Board
43 notice of any changes in address within a certain period of time; prohibiting a
44 speech-language pathology assistant from surrendering a license under certain
45 circumstances; authorizing the Board to set conditions on certain agreements
46 with a speech-language pathology assistant who is under investigation or while
47 charges are pending; authorizing the Board to impose certain penalties on
48 speech-language pathology assistants under certain circumstance; repealing

1 the requirement that an audiologist or hearing aid dispenser who sells a hearing
2 aid to an individual without complying with certain requirements to give the
3 individual a copy of a certain waiver; repealing a certain exemption that allows
4 a person to sell hearing aids by door-to-door solicitation under certain
5 circumstances; requiring audiologists and hearing aid dispensers who sell
6 hearing aids to provide certain refund information; altering certain penalties;
7 authorizing the Board to issue subpoenas and administer oaths under certain
8 circumstances with the signature of an officer or administrator of the Board;
9 requiring licensees found in violation of certain provisions to pay certain costs;
10 establishing that a certain order of the Board may not be stayed pending review;
11 establishing one rehabilitation committee for audiologists, hearing aid
12 dispensers, speech-language pathologists, and speech-language pathology
13 assistants; requiring the Board to adopt regulations establishing qualifications,
14 scope of practice, and supervision requirements for speech-language pathology
15 assistants; adding terms and practices that certain unlicensed individuals may
16 not use to represent to the public that they are authorized to practice audiology
17 or speech-language pathology; altering a certain exception to the prohibition on
18 the use of certain titles; prohibiting unlicensed individuals from representing to
19 the public that they are authorized to assist in the practice of speech-language
20 pathology; altering the definitions of certain terms; defining certain terms;
21 requiring the Board to consider a certain unique environment and consult with
22 certain parties prior to adopting certain regulations; and generally relating to
23 revisions of the Maryland Audiologist, Hearing Aid Dispensers, and
24 Speech-Language Pathologist Act.

25 BY repealing and reenacting, with amendments,
26 Article - Health Occupations
27 Section 2-101, 2-102, 2-202, 2-204 through 2-205.1, 2-207, 2-301 through
28 2-302.2, 2-304, 2-305, 2-307.1, 2-308 through 2-310.2, 2-311, 2-313
29 through 2-314.3, 2-314.5 through 2-318, 2-319 through 2-402.2, 2-408,
30 and 2-501
31 Annotated Code of Maryland
32 (2005 Replacement Volume)

33 BY repealing and reenacting, without amendments,
34 Article - Health Occupations
35 Section 2-201, 2-203, 2-206, 2-303, 2-306, 2-307, 2-307.2, 2-312, 2-314.4,
36 2-403 through 2-406, and 2-502
37 Annotated Code of Maryland
38 (2005 Replacement Volume)

39 BY repealing
40 Article - Health Occupations
41 Section 2-318.1 and 2-318.2
42 Annotated Code of Maryland
43 (2005 Replacement Volume)

1 BY adding to
2 Article - Health Occupations
3 Section 2-302.3, 2-307.3, 2-310.3, and 2-402.3
4 Annotated Code of Maryland
5 (2005 Replacement Volume)

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

8 **Article - Health Occupations**

9 2-101.

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

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

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

14 (D) "DIRECT SUPERVISION" MEANS THE ON-SITE AND PERSONAL OVERSIGHT
15 OF ONE INDIVIDUAL LICENSED UNDER THIS TITLE BY ANOTHER INDIVIDUAL
16 LICENSED UNDER THIS TITLE WHO ACCEPTS THE RESPONSIBILITY FOR THE
17 CONDUCT OF THE OTHER LICENSED INDIVIDUAL WHEN THE INDIVIDUAL IS
18 PRACTICING AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH-LANGUAGE
19 PATHOLOGY, WHETHER THAT CONDUCT MEETS OR FAILS TO MEET THE
20 PROFESSIONAL STANDARDS ESTABLISHED BY THIS TITLE FOR THE PRACTICE OF
21 AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH-LANGUAGE PATHOLOGY.

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

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

27 (1) Solely for the purposes of choosing, adapting, or selling hearing aids
28 or for the use of a member of a health occupation that has a professional concern
29 about human hearing, to measure human hearing by any means, including the
30 preparation of an audiogram by means of an audiometer and evaluation of the
31 audiogram;

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

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

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

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

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

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

10 (H) "HEARING AID DISPENSER SUPERVISOR" MEANS A LICENSED HEARING
 11 AID DISPENSER WHO SUPERVISES A LIMITED LICENSEE WHO IS STUDYING HEARING
 12 AID DISPENSING FOR THE PURPOSE OF BECOMING ELIGIBLE TO SIT FOR THE
 13 LICENSURE EXAMINATION.

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

17 (I) FITTING SUITABLE HEARING INSTRUMENTS;

18 (II) SELECTING SUITABLE HEARING INSTRUMENTS;

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

20 (IV) PROVIDING APPROPRIATE COUNSELING.

21 (2) "HEARING AID DISPENSING" INCLUDES:

22 (I) SELLING, RENTING, LEASING, AND DELIVERING HEARING
 23 INSTRUMENTS; AND

24 (II) PROVIDING MAINTENANCE AND REPAIR SERVICES FOR
 25 HEARING INSTRUMENTS.

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

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

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

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

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

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

7 (O) "LICENSED SPEECH-LANGUAGE PATHOLOGY ASSISTANT" MEANS, UNLESS
 8 THE CONTEXT REQUIRES OTHERWISE, A SPEECH-LANGUAGE PATHOLOGY
 9 ASSISTANT WHO IS LICENSED BY THE BOARD TO ASSIST A LICENSED
 10 SPEECH-LANGUAGE PATHOLOGIST IN THE PRACTICE OF SPEECH-LANGUAGE
 11 PATHOLOGY.

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

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

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

21 ~~(n)~~ (Q) (1) "Practice audiology" means to apply the principles, methods,
 22 and procedures of measurement, prediction, evaluation, testing, counseling,
 23 consultation, and instruction that relate to the development and disorders of hearing,
 24 vestibular functions, and related language and speech disorders, to prevent or modify
 25 the disorders or assist individuals in hearing and auditory and related skills for
 26 communication.

27 (2) "Practice audiology" includes the fitting or selling of hearing aids.}

28 ~~(Q) (1) "PRACTICE AUDIOLOGY" MEANS THE APPLICATION OF PRINCIPLES,
 29 METHODS, AND PROCEDURES RELATED TO THE DEVELOPMENT AND DISORDERS OF
 30 THE HUMAN AUDITORY VESTIBULAR SYSTEM THAT ARE TAUGHT IN AN ACCREDITED
 31 DOCTORAL PROGRAM IN AUDIOLOGY.~~

32 ~~(2) "PRACTICE AUDIOLOGY" INCLUDES:~~

33 ~~(1) THE DIAGNOSIS, EVALUATION, TREATMENT, COUNSELING, AND
 34 MANAGEMENT OF:~~

35 ~~1- HEARING, VESTIBULAR FUNCTION, AND ASSOCIATED
 36 NEURAL SYSTEMS;~~

37 ~~2- CERUMEN MANAGEMENT; OR~~

1 (1) Fit hearing aids; or

2 (2) Sell hearing aids at retail.

3 (q)] (S) "Speech-language pathologist" means an individual who practices
4 speech-language pathology.

5 (T) "SPEECH-LANGUAGE PATHOLOGY ASSISTANT" MEANS AN INDIVIDUAL
6 WHO ASSISTS A SPEECH-LANGUAGE PATHOLOGIST IN THE PRACTICE OF
7 SPEECH-LANGUAGE PATHOLOGY WITHIN THE LIMITS ESTABLISHED BY THE BOARD.

8 (U) "TELEHEALTH" MEANS THE USE OF TELECOMMUNICATIONS AND
9 INFORMATION TECHNOLOGIES FOR THE EXCHANGE OF HEALTH CARE INFORMATION
10 BETWEEN A PATIENT AND A HEALTH CARE PROVIDER.

11 2-102.

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

15 (B) This title does not:

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

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

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

22 2-201.

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

25 2-202.

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

27 (2) Of the 13 Board members:

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

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

1 (iii) 2 shall be physicians who shall be voting members of the Board,
2 except on proposals that expand or restrict the practice of audiology as defined in §
3 [2-101(n)] 2-101(Q) of this title or that expand or restrict the practice of [speech]
4 SPEECH-LANGUAGE pathology as defined in § [2-101(o)] 2-101(R) of this title, and
5 who:

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

8 2. Hold a certificate of qualification from the American
9 Board of Otolaryngology; AND

10 3. ARE CURRENTLY PRACTICING IN THE STATE;

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

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

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

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

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

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

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

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

37 (6) The Governor shall appoint the hearing aid dispenser members, with
38 the advice of the Secretary, from a list submitted to the Secretary and the Governor

1 by the Maryland members of the [Hearing Aid Specialist Association of Maryland,
2 District of Columbia, and Delaware] HEARING SOCIETY OF MARYLAND,
3 WASHINGTON D.C., AND DELAWARE. The number of names on the list shall be at least
4 3 times the number of vacancies.

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

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

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

14 (b) Each member of the Board:

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

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

17 (c) The consumer members of the Board:

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

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

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

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

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

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

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

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

- 1 (f) (1) The term of a member is 4 years.
- 2 (2) The terms of members are staggered as required by the terms
3 provided for members of the Board on October 1, 1992.
- 4 (3) At the end of a term, a member continues to serve until a successor is
5 appointed and qualifies.
- 6 (4) A member who is appointed after a term has begun serves only for
7 the rest of the term and until a successor is appointed and qualifies.
- 8 (5) A member may not serve more than 2 consecutive full terms.
- 9 (6) To the extent practicable, the Governor shall fill any vacancy on the
10 Board within 60 days after the date of the vacancy.

11 (g) (1) The Governor may remove a member for incompetence or
12 misconduct.

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

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

19 2-203.

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

21 (b) The Board shall determine:

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

23 (2) The duties of each officer.

24 2-204.

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

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

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

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

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

2 (d) The Board may employ a staff in accordance with the budget of the Board.
3 2-205.

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

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

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

10 (3) To adopt an official seal;

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

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

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

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

21 (8) TO DEVELOP AND UPDATE A CHECKLIST FOR USE IN LICENSING A
22 SPEECH-LANGUAGE ~~PATHOLOGIST~~ PATHOLOGY ASSISTANT UNDER § 2-302.3(C)(2)(II).

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

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

27 2-205.1

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

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

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

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

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

13 (d) The Board shall pay the cost of any examination made under this section.
14 2-206.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 2-207.

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

14 2-301.

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

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

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

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

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

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

4 (v) To a volunteer while working in free speech and hearing
 5 screening programs[; or

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

7 1. An academic curriculum of an accredited institution of
 8 higher education; or

9 2. A program conducted by a public, charitable, or nonprofit
 10 institution or organization that is supported primarily by voluntary contributions].

11 (2) The Board may allow an audiologist, hearing aid dispenser, or
 12 speech-language pathologist licensed in another state to practice audiology, [provide
 13 hearing aid services] HEARING AID DISPENSING, or [practice] speech-language
 14 pathology in this State without a license if the audiologist, hearing aid dispenser, or
 15 speech-language pathologist[:

16 (i) Recently has become a resident of this State; and

17 (ii) Has an] HAS A COMPLETED application for a license pending
 18 before the Board.

19 2-302.

20 (a) To qualify for a license to practice audiology, an applicant shall be an
 21 individual who meets the requirements of this section.

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

23 (c) The applicant shall:

24 (1) ON OR BEFORE DECEMBER 31, ~~2007~~ 2006:

25 (i) Hold a master's degree [or its equivalent] in audiology from an
 26 educational institution which incorporates the academic course work and the
 27 minimum hours of supervised training required by the regulations adopted by the
 28 Board; and

29 (ii) Have completed the period of supervised postgraduate
 30 professional practice in audiology as specified by the regulations adopted by the
 31 Board; [or]

32 (2) Hold a [doctoral degree in audiology] DOCTOR OF AUDIOLOGY
 33 DEGREE from an educational institution which incorporates the academic course
 34 work and the minimum hours of supervised training required by the regulations
 35 adopted by the Board [or its equivalent]; OR

1 (3) QUALIFY FOR A LICENSE UNDER § 2-305 OF THIS SUBTITLE.

2 (d) Except as otherwise provided in this title, the applicant shall pass an
3 examination [given or approved by the Board under this subtitle] IN AUDIOLOGY
4 REQUIRED BY THE REGULATIONS ADOPTED BY THE BOARD.

5 (E) THE APPLICANT SHALL DEMONSTRATE PROFICIENCY IN ENGLISH AS
6 DETERMINED BY THE BOARD.

7 2-302.1.

8 (a) [To] ON OR AFTER ~~DECEMBER 31, 2006~~ JANUARY 1, 2007, TO qualify for a
9 license to [provide hearing aid services] PRACTICE HEARING AID DISPENSING, an
10 applicant shall be an individual who meets the requirements of this section.

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

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

13 (1) BE A GRADUATE OF AN ACCREDITED 2-YEAR POSTSECONDARY
14 PROGRAM WITH A DIPLOMA OR DEGREE; AND

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

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

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

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

26 (E) THE APPLICANT SHALL DEMONSTRATE PROFICIENCY IN ENGLISH AS
27 DETERMINED BY THE BOARD.

28 2-302.2.

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

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

32 (c) The applicant shall:

33 (1) Hold a master's degree [or its equivalent] in the area of
34 speech-language pathology from an educational institution which incorporates the

1 academic course work and the minimum hours of supervised training required by the
2 regulations adopted by the Board; and

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

6 (d) Except as otherwise provided in this title, the applicant shall pass an
7 examination [given or approved by the Board under this subtitle] IN
8 SPEECH-LANGUAGE PATHOLOGY APPROVED UNDER THE REGULATIONS ADOPTED
9 BY THE BOARD.

10 (E) THE APPLICANT SHALL DEMONSTRATE PROFICIENCY IN ENGLISH AS
11 DETERMINED BY THE BOARD.

12 2-302.3.

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

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

17 (C) THE APPLICANT SHALL:

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

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

23 (III) HOLD A BACCALAUREATE DEGREE IN SPEECH-LANGUAGE
24 PATHOLOGY OR COMMUNICATION SCIENCE DISORDERS FROM AN ACCREDITED
25 INSTITUTION;

26 (2) PROVIDE TO THE BOARD:

27 (I) PROOF OF COMPLETION OF CLINICAL OBSERVATION HOURS
28 AND SUPERVISED CLINICAL ASSISTING EXPERIENCE HOURS UNDER THE
29 REGULATIONS ADOPTED BY THE BOARD;

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

33 (III) PROOF OF PROFICIENCY IN ENGLISH AS DETERMINED BY THE
34 BOARD; AND

35 (3) SATISFY ANY OTHER REQUIREMENTS UNDER THE REGULATIONS
36 ADOPTED BY THE BOARD.

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

4 (2) THE BOARD MAY WAIVE ANY REQUIREMENT FOR A
5 SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSE UNDER THE REGULATIONS
6 ADOPTED BY THE BOARD.

7 2-303.

8 To apply for a license, an applicant shall:

9 (1) Submit an application to the Board on the form that the Board
10 requires; and

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

12 2-304.

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

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

17 (c)] (B) (1) For the examination of applicants for a license to practice
18 audiology or speech-language pathology, the Board may adopt appropriate
19 examinations given by a professional body in the field of audiology or the field of
20 speech-language pathology.

21 (2) AN EXAMINATION SHALL BE IN WRITING AND CONSIST OF TESTS
22 THAT REQUIRE AN APPLICANT TO DEMONSTRATE THE MINIMUM KNOWLEDGE OF
23 SERVICES AND SUBJECT MATTER RELATED TO THE PRACTICE OF AUDIOLOGY OR
24 SPEECH-LANGUAGE PATHOLOGY TO ENABLE THE APPLICANT TO PRACTICE
25 AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY EFFECTIVELY.

26 [(2)] (3) The Board may supplement any written examination given
27 under this section with an oral examination.

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

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

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

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

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

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

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

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

9 (3)] (2) The examination shall consist of a written part and a practical
10 part.

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

12 (i) The basic physics of sound;

13 (ii) The human hearing mechanism, including:

14 1. The science of hearing;

15 2. The causes of hearing disorders; and

16 3. The rehabilitation of a hearing impaired individual;

17 (iii) The basic psychology that relates to a hearing impaired
18 individual;

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

20 (v) The theory of masking methodology;

21 (vi) The provisions of this title; and

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

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

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

27 (ii) Recorded speech audiometry, including:

28 1. Speech reception;

29 2. Threshold testing; and

30 3. Speech discrimination testing;

- 1 (iii) Masking methodology;
- 2 (iv) Choice and adaptation of hearing aids;
- 3 (v) Testing of hearing aids;
- 4 (vi) Maintenance and basic repair of hearing aids;
- 5 (vii) Taking of ear mold impressions; and
- 6 (viii) Other techniques and procedures that may be required to fit
- 7 hearing aids.

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

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

11 2-305.

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

15 (1) Is of good moral character;

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

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

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

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

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

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

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

3 2. THE APPLICANT POSSESSES A MASTER'S DEGREE IN
4 AUDIOLOGY AWARDED BEFORE JANUARY 1, 2007, BY AN ACCREDITED PROGRAM OR A
5 DOCTOR OF AUDIOLOGY DEGREE;

6 3. THE BOARD DETERMINES THAT THE REQUIREMENTS FOR
7 LICENSURE ARE AT LEAST EQUIVALENT TO THE REQUIREMENTS OF THE BOARD;
8 AND

9 4. THE APPLICANT MEETS ANY OTHER REQUIREMENTS
10 ESTABLISHED UNDER THE REGULATIONS ADOPTED BY THE BOARD.

11 (B) THE BOARD MAY WAIVE ANY OF THE QUALIFICATIONS REQUIRED FOR A
12 LICENSE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY UNDER THIS TITLE FOR AN
13 INDIVIDUAL WHO:

14 (1) IS OF GOOD MORAL CHARACTER;

15 (2) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD UNDER §
16 2-303 OF THIS SUBTITLE; AND

17 (3) (I) HOLDS OR HAS HELD A NATIONAL CERTIFICATION IN
18 SPEECH-LANGUAGE PATHOLOGY FROM AN ORGANIZATION RECOGNIZED BY THE
19 BOARD AND MEETS THE PRACTICE REQUIREMENTS ESTABLISHED BY THE
20 REGULATIONS ADOPTED BY THE BOARD; OR

21 (II) HOLDS A CURRENT LICENSE TO PRACTICE SPEECH-LANGUAGE
22 PATHOLOGY IN ANOTHER STATE THAT THE BOARD DETERMINES HAS
23 REQUIREMENTS FOR LICENSURE THAT ARE AT LEAST EQUIVALENT TO THE
24 REQUIREMENTS OF THE BOARD AND MEETS THE PRACTICE REQUIREMENTS
25 ESTABLISHED UNDER REGULATIONS ADOPTED BY THE BOARD.

26 [(b)] (C) The Board may waive any examination requirement of this subtitle
27 for an applicant for a license to practice audiology or speech-language pathology who:

28 (1) Pays the application fee required by the Board under § 2-303 of this
29 subtitle; and

30 (2) Provides adequate evidence that the applicant:

31 (i) Meets the qualifications otherwise required by this title; and

32 (ii) Became licensed in the other state after meeting in that or any
33 other state requirements that are at least equivalent to the licensing requirements of
34 this State.

35 [(c)] (D) (1) [Subject to the provisions of this subsection, the] THE Board
36 shall waive the examination requirements of this subtitle for an applicant for a

1 license to [provide hearing aid services] PRACTICE HEARING AID DISPENSING who is
2 licensed to [provide hearing aid services] PRACTICE HEARING AID DISPENSING in
3 another state.

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

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

8 (ii) Provides adequate evidence that the applicant:

9 1. Meets the qualifications otherwise required by this title;
10 [and]

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

14 3. **MEETS THE PRACTICE REQUIREMENTS ESTABLISHED**
15 **UNDER THE REGULATIONS ADOPTED BY THE BOARD.**

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

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

28 2-306.

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

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

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

32 2-307.

33 A license to practice audiology authorizes the licensee to practice audiology
34 while the license is effective.

1 2-307.1.

2 A license to [provide hearing aid services] PRACTICE HEARING AID DISPENSING
3 authorizes the licensee to [provide hearing aid services] PRACTICE HEARING AID
4 DISPENSING while the license is effective.

5 2-307.2.

6 A license to practice speech-language pathology authorizes the licensee to
7 practice speech-language pathology while the license is effective.

8 2-307.3.

9 A LICENSE TO PRACTICE ~~SPEECH-LANGUAGE PATHOLOGY~~ AS A
10 ~~SPEECH-LANGUAGE PATHOLOGY ASSISTANT~~ AUTHORIZES THE LICENSEE TO
11 PRACTICE ~~SPEECH-LANGUAGE PATHOLOGY~~ WITHIN THE LIMITATIONS
12 ESTABLISHED BY THE BOARD WHILE THE LICENSE IS EFFECTIVE.

13 2-308.

14 (a) Except as provided for a limited license in §§ 2-310, [2-310.1, and
15 2-310.2] THROUGH 2-310.3 of this subtitle, a license expires on the date set by the
16 Board, unless the license is renewed for an additional term as provided in this section.
17 [A license may not be renewed for a term longer than 2 years.]

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

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

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

25 (3) The amount of the renewal fee.

26 (c) [Except as otherwise provided in subsection (d) of this section, before]
27 BEFORE the license expires, the licensee periodically may renew it for an additional
28 [2-year] term, if the licensee:

29 (1) Otherwise is entitled to be licensed;

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

31 (3) Submits to the Board:

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

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

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

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

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

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

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

16 [(g) (F) An audiologist, hearing aid dispenser, [or] speech-language
17 pathologist, OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT has a grace period of 30
18 days after [the audiologist's, hearing aid dispenser's, or speech-language
19 pathologist's] A license expires in which to renew it retroactively, if the audiologist,
20 hearing aid dispenser, [or] speech-language pathologist, OR SPEECH-LANGUAGE
21 PATHOLOGY ASSISTANT:

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

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

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

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

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

31 (ii) Taught by a qualified teacher.]

32 2-309.

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

1 audiologist, hearing aid dispenser, [or] speech-language pathologist, OR
2 SPEECH-LANGUAGE PATHOLOGY ASSISTANT:

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

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

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

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

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

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

19 2-310.

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

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

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

28 (3) Submits an application to the Board on the form that the Board
29 requires; and

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

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

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

35 (i) A fully licensed audiologist; or

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

4 1. The American Speech-Language and Hearing Association;
 5 or

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

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

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

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

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

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

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

17 2-310.1.

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

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

23 (1) Except for COMPLETING THE REQUIREMENTS UNDER § ~~2-302.1(C)(2)~~
 24 2-302.1(C) AND taking and passing an examination under this subtitle, otherwise
 25 qualifies for a license;

26 (2) Submits to the Board an application on the form that the Board
 27 provides;

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

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

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

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

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

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

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

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

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

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

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

18 2-310.2.

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

21 (1) Except for the examination and supervised postgraduate professional
22 practice in speech-language pathology, meets the license requirements under §
23 2-302.2 of this subtitle;

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

27 (3) Submits an application to the Board on the form that the Board
28 requires; and

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

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

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

- 1 (i) A fully licensed speech-language pathologist; or
- 2 (ii) If the individual is employed in a setting in which licensure is
 3 not required as provided under § 2-301(b)(1)(i) [and (iii)] of this subtitle, an
 4 individual who holds national certification in speech-language pathology from[:
- 5 1. The American Speech-Language and Hearing Association;
 6 or
- 7 2. Any other] A PROFESSIONAL organization acceptable to
 8 the Board UNDER THE REGULATIONS ADOPTED BY THE BOARD.

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

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

- 13 (1) Otherwise meets the requirements of this section;
- 14 (2) Submits a renewal application to the Board on the form that the
 15 Board requires; and
- 16 (3) Pays to the Board a limited license renewal fee set by the Board.

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

20 2-310.3.

21 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL ISSUE
 22 A LIMITED LICENSE TO PRACTICE ~~SPEECH LANGUAGE PATHOLOGY~~ AS A
 23 ~~SPEECH-LANGUAGE PATHOLOGY ASSISTANT~~, TO AN APPLICANT WHO:

24 (1) EXCEPT FOR THE SUPERVISED PRACTICE REQUIREMENT UNDER §
 25 2-302.3(C)(2)(I) OF THIS SUBTITLE, MEETS THE LICENSE REQUIREMENTS UNDER §
 26 2-302.3 OF THIS SUBTITLE;

27 (2) DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT FOR
 28 THE TERM OF THE LIMITED LICENSE THE APPLICANT WILL PRACTICE ONLY UNDER
 29 THE SUPERVISION OF AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (B)(2) OF THIS
 30 SECTION;

31 (3) SUBMITS AN APPLICATION TO THE BOARD ON THE FORM THAT THE
 32 BOARD REQUIRES; AND

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

34 (B) (1) THE PURPOSE OF A LIMITED LICENSE TO PRACTICE
 35 ~~SPEECH LANGUAGE PATHOLOGY~~ AS A ~~SPEECH-LANGUAGE PATHOLOGY ASSISTANT~~

1 IS TO PERMIT AN INDIVIDUAL TO PRACTICE AS A SPEECH-LANGUAGE PATHOLOGY
2 ASSISTANT WHILE COMPLETING THE LICENSING REQUIREMENTS OF THIS TITLE.

3 (2) WHILE IT IS EFFECTIVE, A LIMITED LICENSE TO PRACTICE
4 ~~SPEECH LANGUAGE PATHOLOGY~~ AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT
5 AUTHORIZES THE LICENSEE TO PRACTICE ~~SPEECH LANGUAGE PATHOLOGY~~ AS A
6 SPEECH-LANGUAGE PATHOLOGY ASSISTANT UNDER THE SUPERVISION OF:

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

8 (II) IF THE INDIVIDUAL IS EMPLOYED IN A SETTING IN WHICH
9 LICENSURE IS NOT REQUIRED AS PROVIDED UNDER § 2-301(B)(1)(I) OF THIS
10 SUBTITLE, AN INDIVIDUAL WHO HOLDS NATIONAL CERTIFICATION IN
11 SPEECH-LANGUAGE PATHOLOGY FROM A PROFESSIONAL ORGANIZATION
12 ACCEPTABLE UNDER THE REGULATIONS ADOPTED BY THE BOARD.

13 (C) A LIMITED LICENSE TO PRACTICE ~~SPEECH LANGUAGE PATHOLOGY~~ AS A
14 SPEECH-LANGUAGE PATHOLOGY ASSISTANT EXPIRES ON THE FIRST ANNIVERSARY
15 OF ITS EFFECTIVE DATE.

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

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

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

22 (3) PAYS TO THE BOARD A TEMPORARY LICENSE RENEWAL FEE SET BY
23 THE BOARD.

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

27 2-311.

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

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

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

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

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

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

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

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

10 2-312.

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

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

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

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

18 2-313.

19 (a) Unless the Board agrees to accept the surrender of a license or a limited
20 license, a licensed audiologist, hearing aid dispenser, [or] speech-language
21 pathologist, OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT or holder of a limited
22 license [to practice audiology, provide hearing aid services, or practice
23 speech-language pathology] may not surrender the license or limited license nor may
24 the license lapse by operation of law while the licensee is under investigation or while
25 charges are pending against the licensee.

26 (b) The Board may set conditions on its agreement with [the] A LICENSED
27 audiologist, hearing aid dispenser, [or] speech-language pathologist, OR
28 SPEECH-LANGUAGE PATHOLOGY ASSISTANT or holder of a limited license to practice
29 audiology, [provide hearing aid services, or practice] HEARING AID DISPENSING, OR
30 speech-language pathology OR PRACTICE ~~SPEECH-LANGUAGE PATHOLOGY AS A~~
31 ~~SPEECH-LANGUAGE PATHOLOGY ASSISTANT~~ under investigation or against whom
32 charges are pending to accept surrender of the license.

33 2-314.

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

- 1 (1) Fraudulently or deceptively obtains or attempts to obtain a license or
2 limited license for the applicant, licensee, or holder or for another;
- 3 (2) Fraudulently or deceptively uses a license or limited license;
- 4 (3) Commits fraud or deceit in the practice of audiology, [the provision of
5 hearing aid services, or the practice of] HEARING AID DISPENSING, OR
6 speech-language pathology;
- 7 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
8 crime involving moral turpitude, whether or not any appeal or other proceeding is
9 pending to have the conviction or plea set aside;
- 10 (5) Obtains a fee through fraud or misrepresentation;
- 11 (6) Directly or indirectly employs any unlicensed person or any person
12 whose license or limited license has been suspended;
- 13 (7) Uses or promotes or causes the use of any misleading, deceiving,
14 improbable, or untruthful advertising matter, promotional literature, testimonial,
15 guarantee, warranty, label, brand, insignia, or other representation;
- 16 (8) In the practice of audiology, [the providing of hearing aid services, or
17 the practice of] HEARING AID DISPENSING, OR speech-language pathology:
- 18 (i) Falsely represents the use or availability of services or advice of
19 a physician; or
- 20 (ii) Misrepresents the applicant, licensee, or holder by using the
21 word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate;
- 22 (9) Permits another person to use the license of the licensee or limited
23 license of the holder;
- 24 (10) Commits any act of unprofessional conduct in the practice of
25 audiology, [the provision of hearing aid services] HEARING AID DISPENSING, or the
26 practice of speech-language pathology;
- 27 (11) Violates any lawful order given or regulation adopted by the Board;
- 28 (12) Violates any provision of this title;
- 29 (13) Provides professional services while:
- 30 (i) Under the influence of alcohol; or
- 31 (ii) Using any narcotic or controlled dangerous substance, as
32 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
33 therapeutic amounts or without valid medical indication;

1 (14) Is disciplined by a licensing or disciplinary authority of any other
2 state or country or convicted or disciplined by a court of any state or country for an act
3 that would be grounds for disciplinary action under this section;

4 (15) Practices audiology, [provides hearing aid services, or practices]
5 HEARING AID DISPENSING, OR speech-language pathology with an unauthorized
6 person or supervises or aids an unauthorized person in the practice of audiology, [the
7 provision of hearing aid services, or the practice of] HEARING AID DISPENSING, OR
8 speech-language pathology;

9 (16) [Willfully] KNOWINGLY makes or files a false report or record in the
10 practice of audiology, [the provision of hearing aid services, or the practice of]
11 HEARING AID DISPENSING, OR speech-language pathology;

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

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

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

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

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

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

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

27 2-314.1.

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

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

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

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

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

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

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

11 (ii) Provided to an individual who:

12 1. Is at least 18 years old; and

13 2. Before a hearing aid is provided[:

14 A. Signs], SIGNS a written waiver of the medical examination
15 that otherwise is required under subsection (b)(2)(ii) of this section[; and

16 B. Is given a copy of the signed waiver by the audiologist or
17 hearing aid dispenser].

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

20 2-314.2.

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

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

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

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

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

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

1 2-314.3.

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

6 2-314.4.

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

8 2-314.5.

9 While [providing or offering to provide hearing aid services] PRACTICING
10 AUDIOLOGY OR HEARING AID DISPENSING, an audiologist or a hearing aid dispenser
11 may not directly or indirectly give or offer to give anything of value to another person
12 who provides professional services to clients, if the thing of value is given to induce
13 the person receiving the thing of value to:

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

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

17 (3) Influence another to:

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

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

22 2-314.6.

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

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

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

27 (2) In response to an inquiry from the solicited individual[]; or

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

30 2-314.7.

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

1 2-314.8.

2 Each time an audiologist or a hearing aid dispenser sells a hearing aid to an
3 individual, the audiologist or the hearing aid dispenser shall give the individual a
4 receipt that includes:

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

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

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

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

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

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

16 [(6)] (7) The signature of the audiologist or the hearing aid dispenser.

17 2-314.9.

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

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

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

27 2-315.

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

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

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

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

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

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

9 2-316.

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

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

14 (2) Then take any further appeal allowed by the Administrative
15 Procedure Act.

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

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

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

22 2-317.

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

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

33 2-318.

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

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

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

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

6 (1) Is recognized by the Board; and

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

10 (c) A rehabilitation committee of the Board or recognized by the Board may
11 function:

12 (1) Solely for the Board; or

13 (2) Jointly with a rehabilitation committee representing another Board
14 or Boards.

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

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

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

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

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

1 [2-318.1.

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

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

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

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

9 (1) Is recognized by the Board; and

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

11 (c) A rehabilitation committee of the Board or recognized by the Board may
12 function:

13 (1) Solely for the Board; or

14 (2) Jointly with a rehabilitation committee representing another board
15 or boards.

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

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

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

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

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

1 [2-318.2.

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

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

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

6 (b) For purposes of this section, a hearing aid dispenser rehabilitation
7 committee is a committee of the Board or a committee of the Maryland members of
8 the Hearing Aid Specialist Association of Maryland, District of Columbia, and
9 Delaware that:

10 (1) Is recognized by the Board; and

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

12 (c) A rehabilitation committee of the Board or recognized by the Board may
13 function:

14 (1) Solely for the Board; or

15 (2) Jointly with a rehabilitation committee representing another board
16 or boards.

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

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

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

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

33 (f) A person who acts in good faith and within the scope of jurisdiction of a
34 hearing aid dispenser rehabilitation committee is not civilly liable for any action as a
35 member of the hearing aid dispenser rehabilitation committee or for giving

1 information to, participating in, or contributing to the function of the hearing aid
2 dispenser rehabilitation committee.]

3 2-319.

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

7 (b) The Board shall adopt regulations to establish qualifications AND SCOPE
8 OF PRACTICE for the position of a speech-language [pathologist] PATHOLOGY
9 assistant AND THE REQUIREMENTS FOR THE SUPERVISION OF A SPEECH-LANGUAGE
10 PATHOLOGY ASSISTANT BY A SPEECH-LANGUAGE PATHOLOGIST SUPERVISOR.

11 2-401.

12 (a) Except as otherwise provided in this title, a person may not practice,
13 attempt to practice, or offer to practice audiology, [provide hearing aid services]
14 HEARING AID DISPENSING, or [practice] speech-language pathology in this State
15 unless licensed to practice audiology, [provide hearing aid services] HEARING AID
16 DISPENSING, or [practice] speech-language pathology, OR ASSIST, ATTEMPT TO
17 ASSIST, OR OFFER TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY
18 UNLESS LICENSED by the Board.

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

21 2-402.

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

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

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

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

32 (1) "Audiological";

33 (2) "Audiologist";

34 (3) "Audiology";

35 (4) "Hearing clinic";

- 1 (5) "Hearing clinician";
- 2 (6) ["Hearing or aural] "AURAL rehabilitation"; or
- 3 (7) "Hearing specialist".

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

9 2-402.1.

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

15 2-402.2.

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

- 19 (1) Is authorized to practice speech-language pathology in this State; or
- 20 (2) Evaluates, examines, instructs, or counsels individuals suffering
 21 from disorders or conditions that affect speech [and], language, COMMUNICATION,
 22 AND SWALLOWING.

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

- 26 (1) "Communication disorders";
- 27 (2) "Communicologist";
- 28 (3) "DYSPHAGIST";
- 29 [(3)] (4) "Language pathologist";
- 30 [(4)] (5) "Logopedist";
- 31 [(5)] (6) "Speech and language clinician";
- 32 [(6)] (7) "Speech and language therapist";
- 33 [(7)] (8) "Speech clinic";

- 1 [(8)] (9) "Speech clinician";
 2 [(9)] (10) "Speech correction";
 3 [(10)] (11) "Speech correctionist";
 4 [(11)] (12) "Speech pathology";
 5 [(12)] (13) "Speech-language pathology";
 6 [(13)] (14) "Speech therapist"; [or]
 7 [(14)] (15) "Speech therapy"; OR
 8 (16) "SWALLOWING THERAPIST".

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

14 2-402.3.

15 UNLESS AUTHORIZED UNDER THIS TITLE TO PRACTICE ~~SPEECH LANGUAGE~~
 16 ~~PATHOLOGY~~ AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT, A PERSON MAY NOT
 17 REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING "LICENSED
 18 SPEECH-LANGUAGE PATHOLOGY ASSISTANT", OR UNLESS OTHERWISE DEFINED IN
 19 THIS ARTICLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR
 20 OTHERWISE, THAT THE PERSON IS AUTHORIZED TO ASSIST THE PRACTICE OF
 21 SPEECH-LANGUAGE PATHOLOGY IN THE STATE.

22 2-403.

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

25 2-404.

26 A person may not materially alter a license or a limited license with fraudulent
 27 intent.

28 2-405.

29 A person may not transfer or offer to transfer a license or a limited license for
 30 consideration.

31 2-406.

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

1 (1) Engage in an unfair or deceptive trade practice, as defined in §
2 13-301 of the Commercial Law Article; or

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

5 2-408.

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

9 2-501.

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

13 2-502.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That, prior to adopting
18 regulations that relate to speech-language pathology assistants who work in schools
19 in accordance with § 2-319 of the Health Occupations Article, the Board of Examiners
20 for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists shall:

21 (1) consider the unique environment of speech-language pathology
22 assistants who work in schools; and

23 (2) consult with the State Department of Education, the Maryland
24 Speech-Language and Hearing Association, institutions of higher education that offer
25 speech-language pathology degrees, and other interested parties.

26 SECTION ~~2.3~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2006.