

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1329 (Delegate Hubbard)
Health and Government Operations

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

This bill makes various changes to the Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act including renaming it the Maryland Audiology, Hearing Aid Dispensing, and Speech-Language Pathology Act. It also defines the scope of the Act as applying to licensed audiologists, hearing aid dispensers, speech-language pathologists, and speech-language pathology assistants in Maryland.

Fiscal Summary

State Effect: Potential increase in general fund revenues due to the bill's criminal and civil penalty provisions. Potential increase in special fund revenues depending on the number of new individuals licensed by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-language Pathologists or any change in the term of licensure. No effect on general fund or special fund expenditures.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Speech-language Pathology Assistant

A person may not assist, attempt to assist, or offer to assist in the practice of speech-language pathology unless licensed by the board.

A license to practice speech-language pathology as a speech-language pathology assistant authorizes the licensee to practice within board-established limitations while the license is effective. The board must adopt regulations establishing the scope of practice for a speech-language pathology assistant and the related supervision requirements.

To qualify for a license to practice speech-language pathology as a speech-language pathology assistant, the applicant must be of good moral character and must:

- hold an associate's degree from an approved program at an accredited institution;
- hold an associate's degree in an allied health field from an accredited institution with course work that meets or exceeds board regulations; or
- hold a baccalaureate degree in speech-language pathology or communication science disorders from an accredited institution.

The applicant must provide proof of completing the board-required clinical observation and supervised clinical assisting experience hours, a competency checklist signed by a licensed speech-language pathologist, and proof of proficiency in English as determined by the board. The applicant also must satisfy any other board requirements which must be less stringent than those adopted for licensed speech-language pathologists. The board may waive any speech-language pathology assistant license requirements.

A speech-language pathology assistant has a 30-day grace period after the license expires to renew the license retroactively.

Existing statutory requirements regarding the procedures for surrendering a license and reinstating an expired, suspended, or revoked license apply to a speech-language pathology assistant.

Unless authorized to practice as a speech-language pathology assistant, a person may not represent to the public that the person is authorized to assist in the practice of speech-language pathology in Maryland.

Licensure Qualifications, Requirements, and Terms

The bill clarifies that the requirement for licensure does not apply to a federal employee performing the duties of that federal employment. The bill repeals the licensure exemption for an individual who is fitting hearing aids under an academic curriculum of an accredited institution of higher education or a program conducted by a public, charitable, or nonprofit institution or organization primarily supported by voluntary contributions. It authorizes the board to allow an audiologist, hearing aid dispenser, or speech-language pathologist licensed in another state to practice in Maryland without a

license if that individual has a completed application for licensure pending before the board. Such an individual does not have to also have recently become a resident of Maryland.

By December 31, 2007, an applicant for licensure to practice audiology must: (1) hold a master's degree in audiology or doctor of audiology degree (repealing the provision allowing the degree's equivalent to meet this standard) or must qualify for a license under provisions allowing the board to grant a waiver of licensure requirements; and (2) demonstrate proficiency in English as determined by the board. However, the board may waive any of the qualifications for licensure if:

- on or before December 31, 2006, the individual holds or has held a national certification in audiology from an organization recognized by the board and meets practice requirements established in board regulations *or* the individual holds a current license to practice audiology in another state with equivalent requirements for licensure and meets practice requirements; or
- on or after January 1, 2007, the individual holds a license from a federal government agency or a board, agency, or department of Maryland or another state and specified conditions are met.

Beginning January 1, 2007, an applicant for a license to practice hearing aid dispensing must be a graduate of an accredited two-year postsecondary program with a diploma or degree before receiving a full license. Before taking the State licensing examination, the applicant must provide proof of successfully completing the International Hearing Society Curriculum entitled "Distance Learning for Professionals in Hearing Health Sciences" or a board-approved equivalent course. An applicant also must demonstrate proficiency in English as determined by the board. The bill repeals the provision requiring an applicant for a hearing aid dispensing license to be at least 18 years old as well as the requirement for a licensee to be a high school graduate or the equivalent. The bill repeals provisions related to the content and procedures associated with a written examination and instead allows the board to adopt an examination given by a national body. In addition, the bill modifies the provisions for granting a waiver of examination requirements related to the practice of hearing aid dispensing.

The bill specifies that an applicant for speech-language pathology licensure must pass an examination in speech-language pathology approved under the board's regulations and adds that an applicant must demonstrate proficiency in English as determined by the board. The bill expands the conditions under which the board can waive any qualifications required for a license to practice speech-language pathology by allowing a waiver for an individual who holds a current license to practice in another state with equivalent requirements and who meets practice requirements.

The bill repeals the provision allowing the board to waive any education, supervised postgraduate professional practice, or examination requirement for an individual seeking renewal of a license to practice audiology or speech-language pathology if specified conditions are met. The bill also repeals the provision that the board may not renew a license to provide hearing aid services unless the licensee within each two-year term of a license successfully completes at least 20 hours of instruction provided through one or more board-approved courses.

The bill modifies provisions related to the term of a renewal license, so that no time frame is specified. It also requires the board to contact licensees at their last known address at least two months before their license expires.

Limited Licenses

A limited license may be renewed for one year, instead of the current two years. The board must contact a licensee at least two months before his/her license expires at the last known address provided by the licensee and advise the licensee of the date the license expires and the date license renewal is due.

A limited license to practice audiology may only be renewed once. If a limited licensee to practice hearing aid dispensing or a limited licensee to practice speech-language pathology fails to receive a full license within two years, the individual must wait at least one year before applying for a new limited license.

The bill requires the board to issue a limited license to practice speech-language pathology as a speech-language pathology assistant to an applicant who, except for the supervised practice requirement, meets the board's license requirements and demonstrates that the limited licensee will practice only under the supervision of a specified individual. Limited license applicants also must submit an application and fee. The limited license expires on the first anniversary of its effective date. The board may renew the limited license only once for an additional one-year term. If a limited licensee fails to receive a full license within two years, the individual must wait at least one year before applying for a new limited license.

Board Powers and Duties

The bill expands the board's powers and duties to include regulating the practice of telehealth communications by audiologists, hearing aid dispensers, and speech-language pathologists; and developing and updating a competency skills checklist for use in licensing a speech-language pathologist. The bill repeals the board's authority to inspect the facilities used by licensed hearing aid dispensers. The bill also makes clarifying changes to the board's powers and duties.

Disciplinary Action, Penalties, Hearings, and Judicial Review

The bill clarifies that disciplinary action may be taken against a licensee, certificate holder, or applicant who knowingly (instead of willfully) makes a false report or record in the practice of audiology, hearing aid dispensing, or speech-language pathology or who knowingly (instead of willfully) fails to file or record any report as required by law.

The bill increases the penalty the board may impose in a disciplinary action from a maximum \$1,000 fine to a maximum \$5,000 fine.

It also increases the misdemeanor penalties for violating any provision of the Act from:

- a maximum \$500 fine to a maximum \$5,000 fine;
- a maximum of 90 days imprisonment to a maximum of three years of imprisonment; or
- both.

The bill gives the board the power to issue a subpoena or administer an oath, with the signature of a board officer or administrator, for certain investigations, hearings, or proceedings. If, after a hearing, a licensee is found to violate the Act, the licensee must pay the hearing costs as specified under board regulations.

An order of the board may not be stayed pending review.

Board Membership

Board members who are licensed audiologists, speech-language pathologists, physicians, and hearing aid dispensers must be currently practicing in their profession. The requirement for one of the board's consumer members to be hearing impaired is repealed and replaced with the requirement that he/she must be a consumer of services provided by a person regulated by the board. A majority of the members currently serving on the board (not the full authorized membership of the board, as currently required under statute) is a quorum to do business.

Definitions

“Direct supervision” is defined as on-site and personal oversight of one individual licensed by the board by another individual licensed by the board who accepts the responsibility for the other individual's conduct when the individual is practicing audiology, hearing aid dispensing, or speech language pathology.

“Disorder of the human auditory-vestibular system” is defined as a condition from an organic or functional origin that affects the hearing, balance, tinnitus, auditory processing, or other related neural function of an individual.

The bill redefines “hearing aid” and includes “hearing instrument” in the definition that means an FDA classified, wearable, or implantable instrument or device, the function,

design, or intent of which is to aid or compensate for impaired human hearing or any other device offered to aid or compensate for impaired human hearing. The bill also redefines a “hearing aid dispenser” as an individual who practices hearing aid dispensing.

A “hearing aid dispenser supervisor” is defined as a licensed hearing aid dispenser who supervises a limited licensee who is studying hearing aid dispensing for the purpose of becoming eligible to sit for the licensure examination.

“Hearing aid dispensing” is defined as performing, conducting, and interpreting hearing assessment procedures to determine the type and extent of hearing loss for fitting suitable hearing instruments, selecting suitable hearing instruments, making ear molds or ear impressions, and providing appropriate counseling. Hearing aid dispensing includes: (1) selling, renting, leasing, and delivering hearing instruments; and (2) providing maintenance and repair services for hearing instruments.

A “hearing aid establishment” is defined as an establishment that offers, advertises, or performs hearing aid dispensing.

The bill repeals the definitions of “fit hearing aid” and “provide hearing aid services.”

The bill redefines “licensee” to include a speech-language pathology assistant and to make clarifying changes.

The bill redefines “licensed hearing aid dispenser” and “limited license” to be consistent with other changes.

“Practice audiology” and “practice speech-language pathology” are redefined to be more specific in the scope of practice.

The bill defines “telehealth” as the use of telecommunications and information technologies for the exchange of health care information between a patient and a health care provider.

Miscellaneous Changes

The bill repeals provisions relating to requiring the board to keep records of each place a licensee practices and licensee notification requirements related to where a licensee practices. Instead, if a licensee has more than one place of business, the licensee must notify the board of the address the board may use to send notices and any other correspondence. A licensee must notify the board in writing of a change of address within 30 days after the change occurs.

The bill consolidates the audiologist rehabilitation committee, speech-language pathologist rehabilitation committee, and hearing aid dispenser rehabilitation committee into a single rehabilitation committee for all professions regulated by the board.

Current Law: An individual must be licensed by the board before the individual may practice audiology, provide hearing aid services, or practice speech-language pathology, with specified exceptions. A license may be renewed for a two-year term.

The State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Fund is a special, nonlapsing fund consisting of board license fees.

There are separate rehabilitation committees for the professionals licensed by the board that evaluate and provide assistance to those in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

A majority of the full authorized membership of the board, with at least one member of each profession regulated under the provisions of the Act being present, is a quorum to do business.

Additional Information

Prior Introductions: None.

Cross File: Although SB 773 is listed as a cross file, it is not identical.

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