

## CHAPTER 391

(House Bill 326)

AN ACT concerning

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

FOR the purpose of specifying that certain provisions of law apply to certain individuals who practice audiology, hearing aid dispensing, or speech-language pathology, or assist in the practice of speech-language pathology; ~~specifying that certain provisions of law do not authorize certain licensees to practice medicine, perform surgery, or prescribe pharmaceutical agents;~~ requiring certain members of the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists to currently practice in the State; requiring a Board member to be a consumer of services provided by an individual licensed by the Board; repealing the requirement that certain notice and a certain balloting process be given by mail; altering certain qualifications for certain members of the Board; providing that a majority of members currently serving on the Board is a quorum; requiring the Board to appoint an executive director; authorizing the Board to regulate the practice of telehealth communications by audiologists, hearing aid dispensers, and speech-language pathologists; repealing the authority of the Board to inspect facilities used by licensed hearing aid dispensers; requiring the Board to adopt and publish a code of ethics for the assistance of the practice of speech-language pathology; authorizing the Board to require that certain licensed speech-language pathology assistants submit to an examination by a certain health care provider during certain investigations; requiring an individual to be licensed by the Board before assisting in the practice of speech-language pathology; requiring that on or before a certain date, certain individuals hired to practice speech-language pathology or assist in the practice of speech-language pathology by certain schools and educational institutions be licensed; exempting certain individuals employed by certain schools or educational institutions continuously since on or before a certain date from certain licensing requirements; repealing a certain licensure exemption for individuals who fit hearing aids; altering and adding speech-language pathology assistants to the requirements for the authorization to practice without a license for certain audiologists, hearing aid dispensers, and speech-language pathologists who are licensed in another state; requiring that certain applicants demonstrate oral competency; requiring that applicants for a license to practice audiology have

certain degrees before or after a certain date; altering certain requirements to qualify for a license to practice hearing aid dispensing after a certain date; repealing the option of an applicant to have the equivalent of a master's degree to qualify for a license to practice speech-language pathology; requiring certain applicants to meet certain requirements to qualify for a license to assist in the practice of speech-language pathology; establishing the requirements for a license to assist in the practice of speech-language pathology; altering certain requirements for certain licensure examinations; altering the Board's authority to waive certain requirements for applicants for licenses to practice audiology and speech-language pathology and establishing that the Board may waive certain requirements for applicants for licenses to assist in the practice of speech-language pathology; repealing a certain continuing education requirement for certain individuals who are licensed to practice hearing aid dispensing in a state that does not have certain continuing education requirements; authorizing the Board to grant a waiver for an examination if an applicant holds certain national certification and meets certain practice requirements; repealing a provision that prohibits the Board from imposing a licensing requirement for the practice of hearing aid dispensing that is not required of any other applicant on an individual applying for a waiver of examination; requiring certain licensees to identify themselves by a certain profession and degree earned; repealing the requirement that the Board not require applicants to practice hearing aid dispensing who hold a certain license from another state to satisfy any licensing requirement that is not required for other applicants for the practice of hearing aid dispensing; altering the period of time that the Board has before a license expires to contact a licensee; requiring that the Board contact certain licensees at the last known address provided by a licensee and advise the licensee of certain renewal requirements; altering certain renewal requirements for certain licensees; requiring certain licensees who fail to renew a license within a certain period of time to pay certain fees; authorizing the Board to reinstate a license to assist in the practice of speech-language pathology under certain circumstances; prohibiting the Board from reinstating a speech-language pathology license if the licensee does not apply within a certain period of time unless certain requirements are met; altering certain requirements for issuing a limited license to practice audiology; establishing the terms and renewal requirements for limited licenses to practice audiology, hearing aid dispensing, and speech-language pathology; establishing a limited license to assist in the practice of speech-language pathology; establishing the requirements for a limited license to assist in the practice of speech-language pathology; establishing the term and renewal requirements for a limited license to assist in the practice of speech-language pathology; altering the requirement that the Board keep a record of certain business addresses prohibiting a speech-language pathology assistant from surrendering a license

under certain circumstances; authorizing the Board to set conditions on certain agreements with a speech-language pathology assistant who is under investigation or while charges are pending; authorizing the Board to impose certain penalties on speech-language pathology assistants under certain circumstances; altering certain grounds for penalties; repealing a certain exemption that allows a person to sell hearing aids by door-to-door solicitation under certain circumstances; requiring audiologists and hearing aid dispensers who sell hearing aids to provide certain refund information; altering certain monetary penalties; authorizing the Board to issue subpoenas and administer oaths under certain circumstances with the signature of an officer or administrator of the Board; requiring licensees found in violation of certain provisions to pay certain costs; establishing that a certain order of the Board may not be stayed pending review; establishing one rehabilitation committee for audiologists, hearing aid dispensers, speech-language pathologists, and speech-language pathology assistants; requiring the Board to adopt regulations establishing qualifications, scope of practice, and supervision requirements for speech-language pathology assistants; altering terms and practices that certain unlicensed individuals may not use to represent to the public that they are authorized to practice audiology or speech-language pathology, or assists in the practice of speech-language pathology; prohibiting unlicensed individuals from representing to the public that they are authorized to assist in the practice of speech-language pathology; altering the definitions of certain terms; defining certain terms; and generally relating to revisions of the Maryland Audiologist, Hearing Aid Dispensers, and Speech-Language Pathologist Act.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2-101, 2-102, 2-202, 2-204 through 2-205.1, 2-207, 2-301 through 2-302.2, 2-304, 2-305, 2-307.1, 2-308 through 2-310.2, 2-311, 2-313 through 2-318, 2-319 through 2-402.2, 2-408, and 2-501

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 2-201, 2-203, 2-206, 2-303, 2-306, 2-307, 2-307.2, 2-312, 2-403 through 2-406, and 2-502

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health Occupations

Section 2-302.3, 2-307.3, 2-307.4, 2-310.3, and 2-402.3

Annotated Code of Maryland  
(2005 Replacement Volume and 2006 Supplement)

BY repealing

Article – Health Occupations  
Section 2–318.1 and 2–318.2  
Annotated Code of Maryland  
(2005 Replacement Volume and 2006 Supplement)

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

**Article – Health Occupations**

2–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Audiologist” means an individual who practices audiology.
- (c) “Board” means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists.

**(D) “DIRECT SUPERVISION” MEANS ON-SITE AND PERSONAL OVERSIGHT BY AN INDIVIDUAL LICENSED UNDER THIS TITLE WHO ASSUMES RESPONSIBILITY FOR ANOTHER INDIVIDUAL’S CONDUCT WHETHER IT IS CONSISTENT OR FAILS TO BE CONSISTENT WITH PROFESSIONAL STANDARDS AND THE PROVISIONS OF THIS TITLE.**

[(d) “Fit hearing aids” means:

- (1) Solely for the purposes of choosing, adapting, or selling hearing aids or for the use of a member of a health occupation that has a professional concern about human hearing, to measure human hearing by any means, including the preparation of an audiogram by means of an audiometer and evaluation of the audiogram;
- (2) To make an impression of a human ear for the purpose of building an ear mold; or
- (3) To provide advice about the choice or use of a hearing aid by a hearing impaired individual.]

(e) "Hearing aid" ~~OR "HEARING INSTRUMENT"~~ means:

~~(1) [Any ANY FDA APPROVED instrument or device that is designed for or represented as being capable of improving or correcting impaired human hearing] 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~~

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

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

(g) **"HEARING AID DISPENSER SUPERVISOR" MEANS A LICENSED HEARING AID DISPENSER OR LICENSED AUDIOLOGIST WHO SUPERVISES A LIMITED LICENSEE WHO IS STUDYING HEARING AID DISPENSING FOR THE PURPOSE OF BECOMING ELIGIBLE TO SIT FOR THE LICENSURE EXAMINATION.**

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

(i) **FITTING SUITABLE HEARING INSTRUMENTS;**

(ii) **SELECTING SUITABLE HEARING INSTRUMENTS;**

(iii) **PROGRAMMING A HEARING AID BY SELECTING AND DETERMINING THE FREQUENCY RESPONSE, COMPRESSION, OUTPUT, GAIN, OR OTHER PARAMETERS OF THE HEARING AID FOR INITIAL WEAR BY AN INDIVIDUAL OR ANY REQUIRED ALTERATIONS THROUGHOUT THE USE OF THE HEARING AID;**

~~(iii)~~ (iv) **MAKING EAR MOLDS OR EAR IMPRESSIONS; AND**

~~(iv)~~ (v) **PROVIDING APPROPRIATE COUNSELING.**

(2) **"HEARING AID DISPENSING" INCLUDES:**

(I) **AN ACT PERTAINING TO THE SELLING, RENTING, LEASING, OR DELIVERING OF A HEARING INSTRUMENT; AND**

(II) **PROVIDING MAINTENANCE OR REPAIR SERVICES FOR A HEARING AID.**

(I) **“HEARING AID ESTABLISHMENT” MEANS AN ESTABLISHMENT THAT OFFERS, ADVERTISES, OR PERFORMS HEARING AID DISPENSING.**

[(g)] (J) (1) “License” means, unless the context requires otherwise, a license issued by the Board to practice audiology, [to provide hearing aid services] **HEARING AID DISPENSING**, or [to practice] speech–language pathology, **OR TO ASSIST IN THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY.**

(2) “License” includes, unless the context requires otherwise, a limited license.

[(h)] (K) “Licensed audiologist” means, unless the context requires otherwise, an audiologist who is licensed by the Board to practice audiology.

[(i)] (L) “Licensed hearing aid dispenser” means, unless the context requires otherwise, a hearing aid dispenser who is licensed by the Board to [provide hearing aid services] **PRACTICE HEARING AID DISPENSING.**

[(j)] (M) “Licensed speech–language pathologist” means, unless the context requires otherwise, a speech–language pathologist who is licensed by the Board to practice speech–language pathology.

(N) **“LICENSED SPEECH–LANGUAGE PATHOLOGY ASSISTANT” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A SPEECH–LANGUAGE PATHOLOGY ASSISTANT WHO IS LICENSED BY THE BOARD TO ASSIST A LICENSED SPEECH–LANGUAGE PATHOLOGIST IN THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY.**

[(k)] (O) “Limited [license to practice audiology] **LICENSE”** means a license issued by the Board **TO PRACTICE AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH–LANGUAGE PATHOLOGY, ~~OR TO ASSIST IN THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY,~~ OR TO ASSIST IN THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY** as limited by [§ 2–310] §§ **2–310 THROUGH 2–310.3** of this title [to practice audiology].

[(l)] “Limited license to practice speech–language pathology” means a license issued by the Board as limited by § 2–310.2 of this title to practice speech–language pathology.

(m) “Limited license to provide hearing aid services” means a license issued by the Board to provide hearing aid services as limited in § 2–310.1 of this title.]

**(P) “ORAL COMPETENCY” MEANS THE DEMONSTRATION OF GENERAL ENGLISH-SPEAKING PROFICIENCY BY RECEIVING A PASSING SCORE ON A STANDARDIZED TEST THAT THE BOARD HAS APPROVED BY REGULATION.**

[(n)] **(Q)** (1) “Practice audiology” means ~~to apply the principles, methods, and procedures of measurement, prediction, evaluation, testing, counseling, consultation, and instruction that relate to the development and disorders of hearing, vestibular functions, and related language and speech disorders, to prevent or modify the disorders or assist individuals in hearing and auditory and related skills for communication.~~ ~~THE APPLICATION OF PRINCIPLES, METHODS, AND PROCEDURES RELATED TO THE DEVELOPMENT AND DISORDERS OF THE HUMAN AUDITORY VESTIBULAR SYSTEM.~~

(2) “Practice audiology” includes ~~the fitting or selling of hearing aids.~~

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

~~1. AUDITORY AND BALANCE FUNCTIONS;~~

~~2. CERUMEN MANAGEMENT;~~

~~3. AN ABNORMAL FUNCTION RELATED TO TINNITUS, AUDITORY SENSITIVITY, LANGUAGE, FUNCTION OR PROCESSING OF SPEECH, OR OTHER ABERRANT BEHAVIOR RESULTING FROM HEARING LOSS; OR~~

~~4. CONDITIONS RELATED TO DEFICITS IN PROCESSING AUDITORY INFORMATION, WHETHER RELATED TO NORMAL OR ABNORMAL HEARING, THAT MAY:~~

~~A. IMPAIR AN INDIVIDUAL’S ABILITY TO COMMUNICATE, UNDERSTAND SPOKEN LANGUAGE, OR UNDERSTAND AUDITORY MESSAGES; OR~~

**~~B. INTERFERE WITH AN INDIVIDUAL'S JOB PERFORMANCE OR EDUCATION.~~**

**~~(II) SCREENING FOR DELAYS AND DISORDERS OF SPEECH AND LANGUAGE FOR THE PURPOSE OF REFERRAL FOR FURTHER EVALUATION;~~**

**~~(III) SELECTING, EVALUATING, DISPENSING, AND ASSISTING IN THE ADJUSTMENT TO OR DISPENSING AND FITTING OF A HEARING INSTRUMENT OR FM SYSTEM;~~**

**~~(IV) PROGRAMMING, MAPPING, EVALUATING, DISPENSING, OR ASSISTING IN THE ADJUSTMENT TO OR DISPENSING AND FITTING OF THE HEARING AND SPEECH PROCESSING COMPONENTS OF COCHLEAR IMPLANTS AND OTHER IMPLANTABLE HEARING DEVICES; OR~~**

**~~(V) PROVIDING NEUROPHYSIOLOGIC INTRAOPERATIVE MONITORING.~~**

[(o)] (R) ~~(1)~~ "Practice speech-language pathology" means to apply the principles, methods, and procedures [of measurement, prediction, evaluation, testing, counseling, consultation, and instruction] that relate to the development [and], disorders, ~~AND EFFECTIVENESS~~ of [speech, voice, swallowing, and related language and hearing disorders, to prevent or modify the disorders or to assist individuals in cognition-language and communication skills.] ~~HUMAN COMMUNICATION, SWALLOWING, AND RELATED FUNCTIONS INCLUDING SCREENING, CONSULTATION, EVALUATION, ASSESSMENT, DIAGNOSIS, TREATMENT, INTERVENTION, MANAGEMENT, COUNSELING, AND FOLLOW-UP SERVICES FOR DISORDERS OF SPEECH, LANGUAGE, SWALLOWING, OR OTHER UPPER AERODIGESTIVE FUNCTIONS AND COGNITIVE ASPECTS OF COMMUNICATION.~~

**~~(2) "PRACTICE SPEECH LANGUAGE PATHOLOGY" INCLUDES:~~**

**~~(I) ESTABLISHING AUGMENTATIVE AND ALTERNATIVE COMMUNICATION TECHNIQUES AND STRATEGIES, INCLUDING DEVELOPING, SELECTING, AND PRESCRIBING SYSTEMS AND DEVICES;~~**

**~~(II) PROVIDING SERVICES TO INDIVIDUALS WITH HEARING LOSS AND THEIR FAMILIES, EXCLUDING AUDIOLOGICAL DIAGNOSTICS AND HEARING AID DISPENSING;~~**



~~(III) SCREENING THE HEARING OF INDIVIDUALS INCLUDING INFANTS FOR THE PURPOSE OF REFERRAL FOR FURTHER EVALUATION;~~

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

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

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

[(p) “Provide hearing aid services” means to:

- (1) Fit hearing aids; or
- (2) Sell hearing aids at retail.

(q)] (S) “Speech–language pathologist” means an individual who practices speech–language pathology.

(T) “SPEECH–LANGUAGE PATHOLOGY ASSISTANT” MEANS AN INDIVIDUAL WHO:

(1) MEETS THE MINIMUM QUALIFICATIONS ESTABLISHED BY THE BOARD THAT SHALL BE LESS STRINGENT THAN THOSE ESTABLISHED BY THIS TITLE TO LICENSE SPEECH–LANGUAGE PATHOLOGISTS;

(2) DOES NOT WORK INDEPENDENTLY;

(3) WORKS UNDER THE DIRECT SUPERVISION OF A SPEECH–LANGUAGE PATHOLOGIST LICENSED UNDER THIS TITLE.

(U) “TELEHEALTH” MEANS THE USE OF TELECOMMUNICATIONS AND INFORMATION TECHNOLOGIES FOR THE EXCHANGE OF INFORMATION FROM ONE SITE TO ANOTHER FOR THE PROVISION OF HEALTH CARE TO AN

**INDIVIDUAL FROM A PROVIDER THROUGH HARDWIRE OR INTERNET CONNECTION.**

2-102.

**(A) THIS TITLE APPLIES TO AN INDIVIDUAL WHO PRACTICES AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH-LANGUAGE PATHOLOGY, OR ASSISTS IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY IN THE STATE.**

**(B)** This title does not:

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

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

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

~~**(4) AUTHORIZE A LICENSEE TO PRACTICE MEDICINE, PERFORM SURGERY, OR PRESCRIBE PHARMACEUTICAL AGENTS.**~~

2-201.

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

2-202.

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

(2) Of the 13 Board members:

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

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

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

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

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

**3. ARE CURRENTLY PRACTICING IN THE STATE;**

(iv) 2 shall be consumer members, 1 of whom shall be [hearing impaired] **A CONSUMER OF SERVICES PROVIDED BY AN INDIVIDUAL LICENSED BY THE BOARD;** and

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

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

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

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

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

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

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

(6) (I) The Governor shall appoint the hearing aid dispenser members, with the advice of the Secretary, from a list submitted to the Secretary and the Governor by the Maryland members of the [Hearing Aid Specialist Association of Maryland, District of Columbia, and Delaware] **HEARING SOCIETY OF MARYLAND, WASHINGTON, D.C., AND DELAWARE.**

(II) The number of names on the list shall be at least 3 times the number of vacancies.

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

(ii) 1. The Governor shall appoint the [hearing impaired] consumer member **WHO IS A CONSUMER OF SERVICES PROVIDED BY AN INDIVIDUAL LICENSED BY THE BOARD** from a list submitted to the Secretary and the Governor by the Department of Disabilities.

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

(b) Each member of the Board:

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

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

(c) The consumer members of the Board:

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

(2) May not be or ever have been an audiologist, hearing aid dispenser, [or] speech–language pathologist, **OR SPEECH–LANGUAGE PATHOLOGY ASSISTANT**, or in training to become an audiologist, hearing aid dispenser, [or] speech–language pathologist, **OR SPEECH–LANGUAGE PATHOLOGY ASSISTANT**;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-203.

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

(b) The Board shall determine:

(1) The manner of election of officers; and

(2) The duties of each officer.

2-204.

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

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

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

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

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

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

**(E) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO:**

- (1) SHALL SERVE AT THE PLEASURE OF THE BOARD;**
- (2) IS THE EXECUTIVE OFFICER OF THE BOARD; AND**
- (3) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARD.**

2-205.

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

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

(2) To adopt and publish codes of ethics for the practices of audiology, [the provision of hearing aid services, and the practice of speech-language pathology] **HEARING AID DISPENSING, AND SPEECH-LANGUAGE PATHOLOGY, AND THE ASSISTANCE IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY;**

(3) To adopt an official seal;

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

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

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

**(7) TO ADOPT REGULATIONS GOVERNING THE USE OF TELEHEALTH COMMUNICATIONS BY AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS.**

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

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

2-205.1.

(a) While investigating an allegation against a licensee under this title, the Board may require the licensee to submit to an appropriate examination by a health care provider designated by the Board if the Board has reason to believe that the licensee may cause harm to a person affected by the licensee's practice of audiology, [provision of hearing aid services] **HEARING AID DISPENSING**, or [practice of] speech-language pathology, **OR ASSISTANCE IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY**.

(b) In return for the privilege given to a licensee to practice audiology, [to provide hearing aid services] **HEARING AID DISPENSING**, or [to practice] speech-language pathology, **OR ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY** in the State, the licensee is deemed to have:

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

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

(c) The failure or refusal of the licensee to submit to an examination required under subsection (b) of this section is prima facie evidence of the licensee's inability to practice audiology, [to provide hearing aid services] **HEARING AID DISPENSING**, or [to practice] speech-language pathology, **OR ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY** competently, unless the Board finds that the failure or refusal was beyond the control of the licensee.

(d) The Board shall pay the cost of any examination made under this section.

2-206.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

2–207.

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

2-301.

(a) (1) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice audiology, [provide hearing aid services] **HEARING AID DISPENSING**, or [practice] speech-language pathology, **OR ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY** in this State.

(2) **ON OR AFTER OCTOBER 1, 2007, AN INDIVIDUAL HIRED BY A MARYLAND LOCAL PUBLIC SCHOOL SYSTEM, STATE-APPROVED NONPUBLIC SCHOOL FOR HANDICAPPED CHILDREN, OR CHARTERED EDUCATIONAL INSTITUTION OF THE STATE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY OR ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY, SHALL BE LICENSED BY THE BOARD.**

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

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

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

(iii) [Unless the individual who is practicing speech-language pathology chooses to apply for a license under this subtitle, to] **TO** an individual employed by a [county] **MARYLAND LOCAL** public school system, State approved nonpublic school for handicapped children, or chartered educational institution of the State or the State Department of Education **TO PRACTICE SPEECH-LANGUAGE PATHOLOGY CONTINUOUSLY SINCE ON OR BEFORE SEPTEMBER 30, 2007**, while performing the duties of that employment;

(iv) To a student or trainee in audiology or speech-language pathology while pursuing a supervised course of study at an accredited university or college or a recognized training center **WHILE THE STUDENT IS OBTAINING CLINICAL PRACTICUM HOURS; OR**

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

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

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

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

(2) The Board may allow an audiologist, hearing aid dispenser, [or] speech-language pathologist, **OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT** licensed in another state to practice audiology, [provide hearing aid services] **HEARING AID DISPENSING**, or [practice] speech-language pathology, **OR ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY** in this State without a license if the audiologist, hearing aid dispenser, [or] speech-language pathologist, **OR SPEECH-LANGUAGE PATHOLOGY ASSISTANT**[:

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

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

2-302.

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

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

(c) The applicant shall:

(1) **ON OR BEFORE SEPTEMBER 30, 2007:**

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

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

(2) [Hold] **ON OR AFTER OCTOBER 1, 2007, HOLD** a doctoral degree in audiology from an **ACCREDITED** educational institution which incorporates the academic course work and the minimum hours of supervised **CLINICAL** training required by the regulations adopted by the Board [or its equivalent]; **OR**

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

(d) Except as otherwise provided in this title, the applicant shall ~~pass~~:

**(1) PASS** an examination [given or approved by the Board under this subtitle] **IN AUDIOLOGY REQUIRED BY THE REGULATIONS ADOPTED BY THE BOARD; AND**

**(2) COMPLETE TRAINING CONSISTENT WITH THE STANDARDS ESTABLISHED BY:**

**(I) THE ACCREDITATION COMMISSION FOR AUDIOLOGY EDUCATION; OR**

**(II) THE COUNSEL OF ACADEMIC ACCREDITATION.**

**(E) THE APPLICANT SHALL DEMONSTRATE ORAL COMPETENCY.**

2-302.1.

(a) [To] **ON OR AFTER JANUARY 1, 2008, TO** qualify for [a] **AN INITIAL** license to [provide hearing aid services] **PRACTICE HEARING AID DISPENSING**, an applicant shall be an individual who meets the requirements of this section.

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

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

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

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

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

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

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

**(E) THE APPLICANT SHALL DEMONSTRATE ORAL COMPETENCY.**

2-302.2.

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

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

(c) The applicant shall:

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

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

(d) Except as otherwise provided in this title, the applicant shall pass an examination [given or approved by the Board under this subtitle] **IN SPEECH–LANGUAGE PATHOLOGY AS REQUIRED BY REGULATIONS ADOPTED BY THE BOARD.**

**(E) THE APPLICANT SHALL DEMONSTRATE ORAL COMPETENCY.**

**2-302.3.**

**(A) TO QUALIFY FOR A LICENSE TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

**(B) THE APPLICANT SHALL:**

**(1) BE OF GOOD MORAL CHARACTER;**

**(2) HOLD A BACCALAUREATE DEGREE IN SPEECH-LANGUAGE PATHOLOGY OR COMMUNICATION SCIENCES AND DISORDERS FROM AN ACCREDITED INSTITUTION OR OTHER DEGREE AS PROVIDED FOR IN REGULATIONS ADOPTED BY THE BOARD;**

**(3) HAVE SUCCESSFULLY COMPLETED THE CLINICAL OBSERVATION HOURS AND SUPERVISED CLINICAL ASSISTING EXPERIENCE HOURS REQUIRED BY THE REGULATIONS ADOPTED BY THE BOARD;**

**(4) AFTER A PERIOD OF SUPERVISED PRACTICE BY A LICENSED SPEECH-LANGUAGE PATHOLOGIST, HAVE SUCCESSFULLY COMPLETED A COMPETENCY SKILLS CHECKLIST AS PROVIDED FOR IN REGULATIONS ADOPTED BY THE BOARD; AND**

**(5) DEMONSTRATE ORAL COMPETENCY.**

**(C) THE BOARD MAY WAIVE ANY OF THE QUALIFICATIONS REQUIRED UNDER THIS SECTION AS PROVIDED FOR IN REGULATIONS ADOPTED BY THE BOARD.**

**2-303.**

To apply for a license, an applicant shall:

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

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

2-304.

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

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

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

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

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

[(d)] **(C)** The Board shall notify each qualified applicant of the time and place of examination.

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

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

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

[(f)] **(E)** The Board may not limit the number of times an applicant may take an examination required under this subtitle.

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

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

(3)] **(2)** The examination shall consist of a written part and a practical part **AS REQUIRED BY REGULATIONS BY THE BOARD**.

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

- (i) The basic physics of sound;
- (ii) The human hearing mechanism, including:
  - 1. The science of hearing;
  - 2. The causes of hearing disorders; and
  - 3. The rehabilitation of a hearing impaired individual;
- (iii) The basic psychology that relates to a hearing impaired individual;
- (iv) The structure and functions of hearing aids;
- (v) The theory of masking methodology;
- (vi) The provisions of this title; and
- (vii) The availability of social services and other special resources for a hearing impaired individual.

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

- (i) Pure tone audiometry, including testing and recording of air and bone conduction;
- (ii) Recorded speech audiometry, including:
  - 1. Speech reception;



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

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

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

2-305.

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

- (1) Is of good moral character;
- (2) Pays the application fee required by the Board under § 2-303 of this subtitle; and
- [(3) Holds the certificate of clinical competence in audiology of the American Speech-Language-Hearing Association and meets the practice requirements established by the Board or holds the certificate of clinical competence in speech-language pathology of the American Speech-Language-Hearing Association and meets the practice requirements established by the Board.]

**(3) (I) HOLDS OR HAS HELD A NATIONAL CERTIFICATION IN AUDIOLOGY FROM AN ORGANIZATION IF THE ORGANIZATION IS RECOGNIZED BY**

**THE BOARD AND THE QUALIFICATIONS FOR CERTIFICATION MEET THE PRACTICE REQUIREMENTS ESTABLISHED BY THE REGULATIONS ADOPTED BY THE BOARD;**

**(II) HOLDS A CURRENT LICENSE TO PRACTICE AUDIOLOGY IN ANOTHER STATE IF THE BOARD DETERMINES THAT THE STATE HAS REQUIREMENTS FOR LICENSURE THAT ARE AT LEAST EQUIVALENT TO THE REQUIREMENTS OF THIS STATE AND MEET THE PRACTICE REQUIREMENTS ESTABLISHED UNDER REGULATIONS ADOPTED BY THE BOARD; OR**

**(III) ON OR BEFORE SEPTEMBER 30, 2007, HOLDS A CURRENT LICENSE TO PRACTICE AUDIOLOGY IN THIS OR ANOTHER STATE OR PRACTICES AUDIOLOGY UNDER THE AUTHORITY AND SUPERVISION OF AN AGENCY OF THE FEDERAL GOVERNMENT OR A BOARD, AGENCY, OR DEPARTMENT OF THIS STATE OR ANOTHER STATE IF:**

**1. THE INDIVIDUAL HOLDS A MASTER'S DEGREE IN AUDIOLOGY FROM AN ACCREDITED EDUCATIONAL PROGRAM;**

**2. THE BOARD DETERMINES THAT THE REQUIREMENTS FOR PRACTICE ARE AT LEAST EQUIVALENT TO THE REQUIREMENTS OF THIS BOARD; AND**

**3. THE INDIVIDUAL MEETS OTHER REQUIREMENTS ESTABLISHED BY REGULATIONS ADOPTED BY THE BOARD THAT MAY NOT INCLUDE A REQUIREMENT FOR A DOCTORAL DEGREE IN AUDIOLOGY.**

**(B) THE BOARD MAY WAIVE ANY OF THE QUALIFICATIONS REQUIRED FOR A LICENSE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY OR TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY UNDER THIS TITLE FOR AN INDIVIDUAL WHO:**

**(1) IS OF GOOD MORAL CHARACTER;**

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

**(3) (I) HOLDS OR HAS HELD A NATIONAL CERTIFICATION IN SPEECH-LANGUAGE PATHOLOGY OR AS AN ASSISTANT OF SPEECH LANGUAGE PATHOLOGY FROM AN ORGANIZATION IF THE ORGANIZATION IS RECOGNIZED BY**

**THE BOARD AND THE QUALIFICATIONS FOR CERTIFICATION MEET THE PRACTICE REQUIREMENTS ESTABLISHED BY THE REGULATIONS ADOPTED BY THE BOARD; OR**

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

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

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

(2) Provides adequate evidence that the applicant:

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

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

[(c)] (D) (1) [Subject to the provisions of this subsection, the] **THE** Board shall waive the examination requirements of this subtitle for an applicant for a license to [provide hearing aid services] **PRACTICE HEARING AID DISPENSING** who is licensed to [provide hearing aid services] **PRACTICE HEARING AID DISPENSING** in another state.

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

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

(ii) Provides adequate evidence that the applicant:

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

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

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

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

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

2-306.

The Board shall issue a license to any applicant who:

- (1) Meets the requirements of this title; and
- (2) Pays the license fee set by the Board.

2-307.

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

2-307.1.

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

**2-307.2.**

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

**2-307.3.**

**A LICENSE TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY AUTHORIZES THE LICENSEE TO ASSIST A SPEECH-LANGUAGE PATHOLOGIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY WHILE THE LICENSE IS EFFECTIVE.**

**2-307.4.**

**A LICENSEE SHALL IDENTIFY AND REPRESENT THEMSELVES BY PROFESSION AND DEGREE EARNED.**

**2-308.**

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

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

- (1) The date on which the current license expires;
- (2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and
- (3) The amount of the renewal fee.

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

- (1) Otherwise is entitled to be licensed;

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

(3) Submits to the Board:

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

[and]

(ii) [Except as otherwise provided in subsection (h) of this section, satisfactory evidence] **EVIDENCE** of compliance with any continuing education requirement set under this section for license renewal; **AND**

**(III) EVIDENCE THAT EACH AUDIOMETER IN USE HAS BEEN CALIBRATED WITHIN 12 MONTHS BEFORE THE DATE THE LICENSE IS RENEWED.**

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

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

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

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

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

[(g)] **(F)** [An audiologist, hearing aid dispenser, or speech–language pathologist] **A LICENSEE** has a grace period of 30 days after [the audiologist’s, hearing aid dispenser’s, or speech–language pathologist’s] **A** license expires in which to renew it retroactively, if the [audiologist, hearing aid dispenser, or speech–language pathologist] **LICENSEE**:

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

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

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

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

- (i) Related to providing hearing aid services; and
- (ii) Taught by a qualified teacher.]

2-309.

(a) If [an audiologist, hearing aid dispenser, or speech-language pathologist] **A LICENSEE** fails for any reason to renew [the] **A** license [of the audiologist, hearing aid dispenser, or speech-language pathologist] by the end of the 30-day grace period, the Board shall reinstate the license if the [audiologist, hearing aid dispenser, or speech-language pathologist] **LICENSEE**:

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

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

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

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

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

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

2-310.

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

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

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

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

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

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

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

(i) A fully licensed audiologist; or

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

1. The American Speech–Language and Hearing Association; or

2. Any other] **A PROFESSIONAL** organization acceptable to the Board **AS PROVIDED IN THE REGULATIONS ADOPTED BY THE BOARD.**

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



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

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

**(E) IF A LIMITED LICENSEE FAILS TO RECEIVE A FULL LICENSE WITHIN 2 YEARS AFTER THE INITIAL LIMITED LICENSE WAS ISSUED, THE INDIVIDUAL ~~SHALL WAIT A MINIMUM OF 1 YEAR BEFORE THE INDIVIDUAL~~ MAY NOT APPLY FOR ANOTHER LIMITED LICENSE.**

2-310.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(G) IF A LIMITED LICENSEE FAILS TO RECEIVE A FULL LICENSE WITHIN 2 YEARS AFTER THE INITIAL LIMITED LICENSE WAS ISSUED, THE INDIVIDUAL SHALL WAIT A MINIMUM OF 1 YEAR BEFORE THE INDIVIDUAL MAY APPLY FOR ANOTHER LICENSE.**

2-310.2.

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

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

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

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

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

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

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

(i) A fully licensed speech–language pathologist; or

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

1. The American Speech–Language and Hearing Association; or

2. Any other] **A PROFESSIONAL** organization acceptable to the Board **AS PROVIDED FOR IN THE REGULATIONS ADOPTED BY THE BOARD.**

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

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

(1) Otherwise meets the requirements of this section;

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

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

**(E) IF A LIMITED LICENSEE FAILS TO RECEIVE A FULL LICENSE WITHIN 2 YEARS AFTER THE DATE THE INITIAL LIMITED LICENSE WAS ISSUED, THE INDIVIDUAL SHALL WAIT A MINIMUM OF 1 YEAR BEFORE THE INDIVIDUAL MAY APPLY FOR ANOTHER LICENSE.**

**2-310.3.**

**(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL ISSUE A LIMITED LICENSE TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY TO AN APPLICANT WHO:**

**(1) EXCEPT FOR THE CLINICAL OBSERVATION HOURS AND SUPERVISED CLINICAL ASSISTING EXPERIENCE HOURS REQUIREMENT, MEETS THE LICENSE REQUIREMENTS UNDER § 2-302.3 OF THIS SUBTITLE;**

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

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

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

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

**(2) WHILE IT IS EFFECTIVE, A LIMITED LICENSE TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY AUTHORIZES THE LICENSEE TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY UNDER THE DIRECT SUPERVISION OF:**

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

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

**(C) A LIMITED LICENSE TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY EXPIRES ON THE FIRST ANNIVERSARY OF ITS EFFECTIVE DATE.**

**(D) THE BOARD MAY RENEW A LIMITED LICENSE TO ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY ONCE FOR AN ADDITIONAL 1-YEAR TERM, IF THE HOLDER:**

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

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

**(3) PAYS TO THE BOARD A LIMITED LICENSE RENEWAL FEE SET BY THE BOARD.**

**(E) IF A LIMITED LICENSEE FAILS TO RECEIVE A FULL LICENSE WITHIN 2 YEARS, THE INDIVIDUAL SHALL WAIT A MINIMUM OF 1 YEAR BEFORE THE INDIVIDUAL MAY APPLY FOR ANOTHER LICENSE.**

2-311.

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

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

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

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

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

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

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

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

2-312.

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

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

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

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

2-313.

(a) Unless the Board agrees to accept the surrender of a license or a limited license, a [licensed audiologist, hearing aid dispenser, or speech-language pathologist or holder of a limited license to practice audiology, provide hearing aid services, or practice speech-language pathology] **LICENSEE OR LIMITED LICENSEE** may not surrender the license or limited license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee.

(b) The Board may set conditions on its agreement with [the audiologist, hearing aid dispenser, or speech-language pathologist, or holder of a limited license to practice audiology, provide hearing aid services, or practice speech-language pathology] **A LICENSEE OR LIMITED LICENSEE** under investigation or against whom charges are pending to accept surrender of the license.

2-314.

Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a

limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

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

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

(3) Commits fraud or deceit in the practice of audiology, [the provision of hearing aid services, or the practice of] **HEARING AID DISPENSING, OR speech-language pathology, OR ASSISTANCE OF THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY;**

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

(5) Obtains a fee through fraud or misrepresentation;

(6) Directly or indirectly employs any unlicensed person or any person whose license or limited license has been suspended;

(7) Uses or promotes or causes the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation;

(8) In the practice of audiology, [the providing of hearing aid services, or the practice of] **HEARING AID DISPENSING, OR speech-language pathology, OR ASSISTANCE OF THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY:**

(i) Falsely represents the use or availability of services or advice of a physician; or

(ii) Misrepresents the applicant, licensee, or holder by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate;

(9) Permits another person to use the license of the licensee or limited license of the holder;

(10) Commits any act of unprofessional conduct in the practice of audiology, [the provision of hearing aid services] **HEARING AID DISPENSING,** or [the

practice of] speech–language pathology, **OR THE ASSISTANCE OF THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY;**

- (11) Violates any lawful order given or regulation adopted by the Board;
- (12) Violates any provision of this title;
- (13) Provides professional services while:
  - (i) Under the influence of alcohol; or
  - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (14) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;
- (15) Practices audiology, [provides hearing aid services, or practices] **HEARING AID DISPENSING, OR** speech–language pathology, **OR ASSISTS IN THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY** with an unauthorized person or supervises or aids an unauthorized person in the practice of audiology, [the provision of hearing aid services, or the practice of] **HEARING AID DISPENSING, OR** speech–language pathology, **OR ASSISTANCE OF THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY;**
- (16) [Willfully] **KNOWINGLY** makes or files a false report or record in the practice of audiology, [the provision of hearing aid services, or the practice of] **HEARING AID DISPENSING, OR** speech–language pathology, **OR ASSISTANCE IN THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY;**
- (17) [Willfully] **KNOWINGLY** fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (18) Submits a false statement to collect a fee;
- (19) Is professionally, physically, or mentally incompetent;



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

(21) Behaves immorally in the practice of audiology, [the provision of hearing aid services, or the practice of] **HEARING AID DISPENSING, OR speech-language pathology, OR ASSISTANCE OF THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY;**

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

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

2-314.1.

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

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

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

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

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

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

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

(ii) Provided to an individual who:

1. Is at least 18 years old; and
2. Before a hearing aid is provided[:

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

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

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

2-314.2.

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

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

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

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

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

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

2-314.3.

While [providing or offering to provide hearing aid services] **PRACTICING HEARING AID DISPENSING**, a hearing aid dispenser may not misrepresent the place

of business of the person by use of the word “clinic” or any similar word, abbreviation, or symbol to indicate falsely that a medical service is provided at that place.

2-314.4.

A person may not [provide hearing aid services] **PRACTICE HEARING AID DISPENSING** under a false name.

2-314.5.

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

- (1) Buy a product or service from the person giving the thing of value;
- (2) Refrain from buying a product or service of a competitor of the person giving the thing of value; or
- (3) Influence another to:
  - (i) Buy a product or service from the person giving the thing of value; or
  - (ii) Refrain from buying a product or service of a competitor of the person giving the thing of value.

2-314.6.

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

- (b) Subsection (a) of this section does not apply to a solicitation that is made:
- (1) At the request of the solicited individual; **OR**
  - (2) In response to an inquiry from the solicited individual[; or
  - (3) On referral of the person making the solicitation to the solicited individual by a third party].

2-314.7.

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

2-314.8.

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

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

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

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

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

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

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

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

2-314.9.

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

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

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

2-315.

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

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

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

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

**(E) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE A SUBPOENA OR ADMINISTER AN OATH IN CONNECTION WITH AN INVESTIGATION, HEARING, OR PROCEEDING BY THE BOARD.**

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

2-316.

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

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

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

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

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

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

2–317.

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

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

2–318.

(a) In this section, “[audiologist] rehabilitation committee” means a committee that:

- (1) Is defined in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (d) of this section.

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

- (1) Is recognized by the Board; and

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

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

(1) Solely for the Board; or

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

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

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

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

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

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

[2-318.1.

(a) In this section, “speech–language pathologist rehabilitation committee” means a committee that:

- (1) Is defined in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (d) of this section.

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

- (1) Is recognized by the Board; and
- (2) Includes but is not limited to speech–language pathologists.

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

- (1) Solely for the Board; or
- (2) Jointly with a rehabilitation committee representing another board or boards.

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

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

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



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

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

[2–318.2.

(a) In this section, “hearing aid dispenser rehabilitation committee” means a committee that:

- (1) Is defined in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (d) of this section.

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

- (1) Is recognized by the Board; and
- (2) Includes but is not limited to hearing aid dispensers.

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

- (1) Solely for the Board; or
- (2) Jointly with a rehabilitation committee representing another board or boards.

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

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

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

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

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

2-319.

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

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

2-401.

(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice audiology, [provide hearing aid services] **HEARING AID DISPENSING**, or [practice] speech-language pathology, **OR ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY** in this State unless licensed **BY THE BOARD** to practice audiology, [provide hearing aid services] **HEARING AID DISPENSING**, or [practice] speech-language pathology, **OR ASSIST IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY** [by the Board].

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

2-402.

(a) Unless authorized to practice audiology under this title **OR UNLESS OTHERWISE PROVIDED FOR IN THIS ARTICLE**, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise that the person:

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

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

(b) Unless authorized to practice audiology under this title **OR UNLESS OTHERWISE PROVIDED FOR IN THIS ARTICLE**, a person may not use, with the intent to represent that the person practices audiology, [any of the following] words or terms, **INCLUDING**:

(1) "Audiological";

(2) "Audiologist";

(3) "Audiology";

(4) **"AURAL REHABILITATION"**;

[(4)] (5) "Hearing clinic";

[(5)] (6) "Hearing clinician"; ~~OR~~

~~[(6)]~~ (7) "Hearing ~~or aural~~ rehabilitation"; ~~or~~

~~(7)~~ (8) "Hearing specialist".

(c) While performing the duties of that employment, an individual employed by any agency of the federal government[, county public school system, State approved nonpublic school for handicapped children, chartered educational institution of this

State, or the State Department of Education] may use any of the titles listed in subsection (b) of this section.

2-402.1.

Unless authorized under this title to [provide hearing aid services] **PRACTICE HEARING AID DISPENSING OR UNLESS OTHERWISE PROVIDED FOR IN THIS ARTICLE**, a person may not represent to the public, by use of a title, including “licensed hearing aid dispenser”, by description of services, methods, or procedures, or otherwise, that the person is authorized to [provide hearing aid services] **PRACTICE HEARING AID DISPENSING** in the State.

2-402.2.

(a) Unless authorized to practice speech–language pathology under this title **OR UNLESS OTHERWISE PROVIDED FOR UNDER THIS ARTICLE**, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise that the person:

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

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

(b) Unless authorized to practice speech–language pathology under this title **OR UNLESS OTHERWISE PROVIDED FOR UNDER THIS ARTICLE**, a person may not use any word or term connoting professional proficiency in speech–language pathology, including but not limited to:

- (1) “Communication disorders”;
- (2) “Communicologist”;
- (3) **“DYSPHAGIST”**;
- [(3)] (4) “Language pathologist”;
- [(4)] (5) “Logopedist”;

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

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

### **2-402.3.**

**(A) UNLESS AUTHORIZED TO PRACTICE AS A SPEECH–LANGUAGE PATHOLOGY ASSISTANT UNDER THIS TITLE OR UNLESS OTHERWISE PROVIDED FOR UNDER THIS ARTICLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY TITLE, DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON:**

- (1) IS AUTHORIZED TO PRACTICE AS A SPEECH–LANGUAGE PATHOLOGY ASSISTANT IN THE STATE; OR**
- (2) ASSISTS IN THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY.**

**(B) UNLESS AUTHORIZED TO PRACTICE AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT UNDER THIS TITLE OR UNLESS OTHERWISE PROVIDED FOR UNDER THIS ARTICLE, A PERSON MAY NOT USE ANY WORD OR TERM CONNOTING PROFESSIONAL PROFICIENCY IN ASSISTING THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY, INCLUDING:**

- (1) “COMMUNICATION ASSISTANT”;**
- (2) “SPEECH ASSISTANT”;**
- (3) “SPEECH-LANGUAGE ASSISTANT”;**
- (4) “SPEECH-LANGUAGE TEACHER”; OR**
- (5) “SPEECH TEACHER”.**

2-403.

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

2-404.

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

2-405.

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

2-406.

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

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

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

2-408.

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

2-501.

This title may be cited as the “Maryland [Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists] **AUDIOLOGY, HEARING AID DISPENSING, AND SPEECH–LANGUAGE PATHOLOGY** Act”.

2-502.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.

**Approved by the Governor, May 8, 2007.**