

# HOUSE BILL 1355

J2

9lr2995

---

By: **Delegate Krebs**

Introduced and read first time: February 18, 2019

Assigned to: Rules and Executive Nominations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists –**  
3 **Revisions**

4 FOR the purpose of altering the composition of the State Board of Examiners for  
5 Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists to require  
6 that at least a certain number of certain types of members be currently employed in  
7 private practice; repealing the prohibition against employees of the Maryland  
8 Department of Health serving on the Board; prohibiting a member of the Board from  
9 having been subject to a disciplinary enforcement for a certain violation during a  
10 certain time period before appointment; altering the exception for when an  
11 audiologist or hearing aid dispenser may sell a hearing aid to an individual without  
12 requiring written evidence of a medical examination; and generally relating to the  
13 practice of audiologists, hearing aid dispensers, and speech–language pathologists.

14 BY repealing and reenacting, without amendments,  
15 Article – Health Occupations  
16 Section 2–201 and 2–202(a)(1)  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Health Occupations  
21 Section 2–202(a)(2) and (b) and 2–314.1  
22 Annotated Code of Maryland  
23 (2014 Replacement Volume and 2018 Supplement)

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

26 **Article – Health Occupations**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2–201.

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

4 2–202.

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

6 (2) Of the 13 Board members:

7 (i) 3 shall be licensed audiologists, **AT LEAST 1 OF WHOM IS**  
8 **CURRENTLY EMPLOYED IN PRIVATE PRACTICE**, who have at least 5 years' paid work  
9 experience in audiology and are currently practicing audiology in the State;

10 (ii) 3 shall be licensed speech–language pathologists, **AT LEAST 1 OF**  
11 **WHOM IS CURRENTLY EMPLOYED IN PRIVATE PRACTICE**, who have at least 5 years'  
12 paid work experience in speech–language pathology and are currently practicing  
13 speech–language pathology in the State;

14 (iii) 2 shall be physicians, **AT LEAST 1 OF WHOM IS CURRENTLY**  
15 **EMPLOYED IN PRIVATE PRACTICE**, who shall be voting members of the Board, except on  
16 proposals that expand or restrict the practice of audiology as defined in § 2–101(q) of this  
17 title or that expand or restrict the practice of speech–language pathology as defined in §  
18 2–101(r) of this title, and who:

- 19 1. Are licensed to practice medicine in the State;
- 20 2. Hold a certificate of qualification from the American Board  
21 of Otolaryngology; and
- 22 3. Are currently practicing in the State;

23 (iv) 2 shall be consumer members, 1 of whom shall be a consumer of  
24 services provided by an individual licensed by the Board; and

25 (v) 3 shall be licensed hearing aid dispensers who have at least 5  
26 years' paid work experience in dispensing hearing aids and are currently practicing hearing  
27 aid dispensing in the State.

28 (b) Each member of the Board:

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

30 (2) May not be an employee of the Department] **AND**

1           **(2) MAY NOT HAVE BEEN SUBJECT TO DISCIPLINARY ENFORCEMENT**  
2 **FOR A VIOLATION OF A PROVISION OF THIS TITLE DURING THE 8 YEARS**  
3 **IMMEDIATELY PRECEDING APPOINTMENT.**

4 2-314.1.

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

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

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

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

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

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

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

24                   (ii) Provided to an individual who:

25                           1. Is at least 18 years old; and

26                           [2. Before a hearing aid is provided, signs a written waiver of  
27 the medical examination that otherwise is required under subsection (b)(2)(ii) of this  
28 section.]

29                           **2. A. IS NOT REQUIRED TO SIGN A WRITTEN WAIVER**  
30 **OF A MEDICAL EXAMINATION IN ORDER TO RECEIVE A HEARING AID UNDER**  
31 **REGULATIONS OR GUIDANCE ISSUED BY THE U.S. FOOD AND DRUG**  
32 **ADMINISTRATION; OR**

33                           **B. IF REQUIRED TO SIGN A WAIVER UNDER**

1 REGULATIONS OR GUIDANCE ISSUED BY THE U.S. FOOD AND DRUG  
2 ADMINISTRATION, SIGNS A WRITTEN WAIVER OF THE MEDICAL EXAMINATION  
3 REQUIRED UNDER THIS SECTION.

4 (2) Each audiologist or hearing aid dispenser shall keep a copy of each  
5 signed waiver.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2019.