

HOUSE BILL 161

J2

(PRE-FILED)

11r0502
CF SB 379

By: **Delegate Kelly**

Requested: September 9, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – ~~Registration~~ Licensing of Audiology Assistants**

3 FOR the purpose of requiring an individual, on or after a certain date, to be ~~registered~~
4 licensed by the State Board of Examiners for Audiologists, Hearing Aid Dispensers,
5 and Speech–Language Pathologists before assisting in the practice of audiology in
6 the State, except as otherwise provided under certain provisions of law; altering the
7 Board’s powers and duties to include certain powers and duties related to audiology
8 assistants; authorizing the Board to adopt certain regulations governing the
9 ~~registration~~ licensing of audiology assistants and assistance in the practice of
10 audiology; altering certain grounds for discipline to allow the Board to take certain
11 action against certain applicants or licensees for supervising or aiding an
12 unauthorized individual in the assistance of audiology; authorizing the Board to
13 allow an audiology assistant licensed ~~or registered~~ in another state to practice in the
14 State under certain circumstances; establishing certain qualifications an applicant
15 must meet to qualify for ~~registration~~ licensure as an audiology assistant; authorizing
16 the Board to waive certain qualifications in a certain manner; requiring the Board
17 to issue a ~~registration~~ license to certain applicants; prohibiting the Board from
18 adopting certain regulations that are more stringent than certain qualifications;
19 providing that a certain ~~registration~~ license authorizes a certain individual to assist
20 in the practice of audiology while the ~~registration~~ license is effective; requiring the
21 Board to determine the term of a ~~registration~~ license and certain renewal and
22 reinstatement requirements in a certain manner; requiring a ~~registered~~ licensed
23 audiology assistant to assist in the practice of audiology under certain supervision;
24 authorizing a licensed audiologist to supervise not more than a certain number of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 audiology assistants at any time; providing that certain applicants and ~~registered~~
 2 licensed audiology assistants are subject to certain provisions of law in a certain
 3 manner; prohibiting a person from practicing, attempting to practice, or offering to
 4 assist in the practice of audiology except under certain circumstances; ~~prohibiting a~~
 5 ~~person from using or attempting to use a certain registration;~~ prohibiting certain
 6 individuals from making certain representations to the public and using certain
 7 titles; ~~prohibiting a person from knowingly making certain false statements in~~
 8 ~~certain applications, materially altering certain registrations, or transferring or~~
 9 ~~offering to transfer certain registrations in a certain manner; prohibiting audiology~~
 10 ~~assistants from engaging in certain trade practices and otherwise violating certain~~
 11 ~~provisions of commercial law; altering a certain definition; defining certain terms;~~
 12 and generally relating to the ~~registration~~ licensing of audiology assistants.

13 BY repealing and reenacting, without amendments,

14 Article – Health Occupations

15 Section 2–101(a) and 2–403 through 2–405

16 Annotated Code of Maryland

17 (2014 Replacement Volume and 2020 Supplement)

18 BY adding to

19 Article – Health Occupations

20 Section 2–101(b–1), (d–1), ~~(s), and (t)~~ and (k–1) and 2–314(25); 2–3A–01 through
 21 2–3A–07 to be under the new subtitle “Subtitle 3A. ~~Registration~~ Licensing of
 22 Audiology Assistants”; and 2–402.4

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2020 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Health Occupations

27 Section ~~2–101(s), (t), and (u)~~ 2–101(j), 2–102(a), 2–205, 2–314(23) and (24), 2–401,
 28 and ~~2–403 through 2–406~~

29 Annotated Code of Maryland

30 (2014 Replacement Volume and 2020 Supplement)

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

33 Article – Health Occupations

34 2–101.

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

36 **(B–1) “AUDIOLOGY ASSISTANT” MEANS AN INDIVIDUAL WHO:**

37 **(1) MEETS THE MINIMUM QUALIFICATIONS ESTABLISHED UNDER**
 38 **THIS SUBTITLE AND IN REGULATIONS ADOPTED BY THE BOARD;**

1 (2) DOES NOT WORK INDEPENDENTLY; AND

2 (3) WORKS UNDER THE GENERAL SUPERVISION OF AN AUDIOLOGIST
3 LICENSED UNDER THIS TITLE.

4 (D-1) "GENERAL SUPERVISION" MEANS THE SUPERVISION OF A ~~REGISTERED~~
5 LICENSED AUDIOLOGY ASSISTANT BY A LICENSED AUDIOLOGIST WHO MAY OR MAY
6 NOT BE PRESENT WHEN THE ~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANT
7 ASSISTS IN THE PRACTICE OF AUDIOLOGY.

8 (j) (1) "License" means, unless the context requires otherwise, a license issued
9 by the Board to practice audiology, hearing aid dispensing, or speech-language pathology,
10 or to assist in the practice of speech-language pathology OR AUDIOLOGY.

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

13 ~~(S)~~ (K-1) "~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANT" MEANS,
14 UNLESS THE CONTEXT REQUIRES OTHERWISE, AN AUDIOLOGY ASSISTANT WHO IS
15 ~~REGISTERED~~ LICENSED BY THE BOARD TO ASSIST A LICENSED AUDIOLOGIST IN THE
16 PRACTICE OF AUDIOLOGY.

17 ~~(T)~~ "~~REGISTRATION~~" ~~MEANS, UNLESS THE CONTEXT REQUIRES~~
18 ~~OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO ASSIST IN THE PRACTICE~~
19 ~~OF AUDIOLOGY.~~

20 ~~[(c)] (U)~~ "Speech-language pathologist" means an individual who practices
21 ~~speech-language pathology.~~

22 ~~[(t)] (V)~~ "Speech-language pathology assistant" means an individual who:

23 (1) ~~Meets the minimum qualifications established by the Board that shall~~
24 ~~be less stringent than those established by this title to license speech-language~~
25 ~~pathologists;~~

26 (2) ~~Does not work independently; and~~

27 (3) ~~Works under the direct supervision of a speech-language pathologist~~
28 ~~licensed under this title.~~

29 ~~[(u)] (W)~~ "Telehealth" means the use of telecommunications and information
30 technologies for the exchange of information from one site to another for the provision of
31 health care to an individual from a provider through hardware or Internet connection.

1 2-102.

2 (a) This title applies to an individual who practices audiology, hearing aid
3 dispensing, or speech-language pathology, or assists in the practice of speech-language
4 pathology **OR AUDIOLOGY** in the State.

5 2-205.

6 In addition to the powers and duties set forth elsewhere in this title, the Board has
7 the following powers and duties:

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

9 (2) To adopt and publish codes of ethics for the practices of audiology,
10 hearing aid dispensing, and speech-language pathology, and the assistance in the practice
11 of speech-language pathology **AND AUDIOLOGY**;

12 (3) To adopt an official seal;

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

15 (5) To issue a list annually of the names of all individuals licensed ~~AND~~
16 ~~REGISTERED~~ by the Board;

17 (6) To send any notice that the Board is required to give to a licensee ~~OR~~
18 ~~REGISTERED AUDIOLOGY ASSISTANT~~ under this title to the last known address given to
19 the Board by the licensee ~~OR REGISTERED AUDIOLOGY ASSISTANT~~; [and]

20 (7) To adopt regulations governing the use of telehealth communications
21 by audiologists, hearing aid dispensers, and speech-language pathologists; **AND**

22 **(8) TO ADOPT REGULATIONS GOVERNING THE ~~REGISTRATION~~**
23 **LICENSING OF AUDIOLOGY ASSISTANTS AND ASSISTANCE IN THE PRACTICE OF**
24 **AUDIOLOGY.**

25 2-314.

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

30 (23) Pays or agrees to pay any sum to any person for bringing or referring a
31 patient; [or]

1 (24) Fails to submit to a criminal history records check in accordance with §
2 2–303.1 of this subtitle; OR

3 (25) SUPERVISES OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE
4 ASSISTANCE OF AUDIOLOGY.

5 **SUBTITLE 3A. ~~REGISTRATION~~ LICENSING OF AUDIOLOGY ASSISTANTS.**

6 **2–3A–01.**

7 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, ON OR AFTER
8 OCTOBER 1, 2022, AN INDIVIDUAL SHALL BE ~~REGISTERED~~ LICENSED BY THE BOARD
9 BEFORE THE INDIVIDUAL MAY ASSIST A LICENSED AUDIOLOGIST IN THE PRACTICE
10 OF AUDIOLOGY IN THIS STATE.

11 (B) THE BOARD MAY ALLOW AN AUDIOLOGY ASSISTANT LICENSED ~~OR~~
12 ~~REGISTERED~~ IN ANOTHER STATE TO ASSIST IN THE PRACTICE OF AUDIOLOGY IN
13 THIS STATE WITHOUT ~~REGISTRATION~~ A LICENSE IF THE AUDIOLOGY ASSISTANT HAS
14 A COMPLETED APPLICATION FOR ~~REGISTRATION~~ LICENSURE PENDING BEFORE THE
15 BOARD.

16 **2–3A–02.**

17 (A) TO QUALIFY FOR A ~~REGISTRATION~~ LICENSE TO ASSIST IN THE PRACTICE
18 OF AUDIOLOGY, AN APPLICANT MUST BE AN INDIVIDUAL WHO MEETS THE
19 REQUIREMENTS OF THIS SECTION.

20 (B) THE APPLICANT MUST:

21 (1) BE OF GOOD MORAL CHARACTER;

22 (2) HOLD A HIGH SCHOOL DIPLOMA OR EQUIVALENT DEGREE;

23 (3) DEMONSTRATE ORAL COMPETENCY;

24 (4) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN
25 ACCORDANCE WITH § 2–303.1 OF THIS TITLE;

26 (5) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
27 BOARD REQUIRES; AND

28 (6) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

29 (C) THE BOARD MAY WAIVE ANY OF THE REQUIREMENTS UNDER THIS
30 SECTION AS PROVIDED FOR IN REGULATIONS ADOPTED BY THE BOARD.

1 **2-3A-03.**

2 (A) THE BOARD SHALL ISSUE A ~~REGISTRATION~~ LICENSE TO ANY APPLICANT
3 WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE AND ANY REGULATIONS
4 ADOPTED BY THE BOARD TO CARRY OUT THIS SUBTITLE.

5 (B) THE BOARD MAY NOT ADOPT REGULATIONS TO ESTABLISH
6 QUALIFICATIONS OF APPLICANTS THAT ARE MORE STRINGENT THAN THE
7 QUALIFICATIONS ESTABLISHED UNDER THIS TITLE FOR APPLICANTS FOR A LICENSE
8 TO PRACTICE AUDIOLOGY.

9 **2-3A-04.**

10 A ~~REGISTRATION~~ LICENSE TO ASSIST IN THE PRACTICE OF AUDIOLOGY
11 AUTHORIZES THE ~~REGISTERED~~ LICENSED INDIVIDUAL TO ASSIST A LICENSED
12 AUDIOLOGIST IN THE PRACTICE OF AUDIOLOGY WHILE THE ~~REGISTRATION~~ LICENSE
13 IS EFFECTIVE.

14 **2-3A-05.**

15 THE BOARD SHALL DETERMINE THROUGH REGULATIONS THE TERM OF A
16 ~~REGISTRATION~~ LICENSE AND ANY RENEWAL OR REINSTATEMENT REQUIREMENTS.

17 **2-3A-06.**

18 (A) A ~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANT SHALL ASSIST THE
19 PRACTICE OF AUDIOLOGY UNDER THE GENERAL SUPERVISION OF A LICENSED
20 AUDIOLOGIST.

21 (B) A LICENSED AUDIOLOGIST MAY PROVIDE GENERAL SUPERVISION FOR
22 NOT MORE THAN TWO ~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANTS AT ANY TIME.

23 **2-3A-07.**

24 A ~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANT OR AN APPLICANT TO BE A
25 ~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANT SHALL BE SUBJECT TO THE
26 PROVISIONS IN §§ ~~2-313 THROUGH 2-314.2, 2-314.5, 2-314.7 THROUGH 2-314.9,~~
27 ~~AND 2-315 THROUGH 2-314.1, 2-314.2, 2-314.5, 2-314.7, 2-314.8, AND 2-317~~ OF
28 THIS TITLE IN THE SAME MANNER AS THOSE PROVISIONS APPLY TO APPLICANTS FOR
29 A LICENSE TO PRACTICE AUDIOLOGY AND LICENSED AUDIOLOGISTS.

30 **2-401.**

1 (a) Except as otherwise provided in this title, a person may not practice, attempt
 2 to practice, or offer to practice audiology, hearing aid dispensing, or speech–language
 3 pathology, or assist in the practice of speech–language pathology **OR AUDIOLOGY** in this
 4 State unless licensed ~~OR REGISTERED~~ by the Board to practice audiology, hearing aid
 5 dispensing, or speech–language pathology, or assist in the practice of speech–language
 6 pathology **OR AUDIOLOGY**.

7 (b) A person may not use or attempt to use a license ~~for a~~, limited license, ~~OR~~
 8 ~~REGISTRATION~~ that has been purchased, fraudulently obtained, counterfeited, or
 9 materially altered.

10 **2–402.4.**

11 (A) **UNLESS AUTHORIZED TO PRACTICE AS AN AUDIOLOGY ASSISTANT**
 12 **UNDER THIS TITLE OR UNLESS OTHERWISE PROVIDED FOR UNDER THIS ARTICLE, A**
 13 **PERSON MAY NOT REPRESENT TO THE PUBLIC, BY TITLE, DESCRIPTION OF**
 14 **SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON:**

15 (1) **IS AUTHORIZED TO PRACTICE AS AN AUDIOLOGY ASSISTANT IN**
 16 **THE STATE; OR**

17 (2) **ASSISTS IN THE PRACTICE OF AUDIOLOGY.**

18 (B) **UNLESS AUTHORIZED TO PRACTICE AS AN AUDIOLOGY ASSISTANT**
 19 **UNDER THIS TITLE OR UNLESS OTHERWISE PROVIDED FOR UNDER THIS ARTICLE, A**
 20 **PERSON MAY NOT USE ANY WORD OR TERM CONNOTING PROFESSIONAL**
 21 **PROFICIENCY IN ASSISTING THE PRACTICE OF AUDIOLOGY, INCLUDING:**

22 (1) **“AUDIOLOGY ASSISTANT”;**

23 (2) **“AUDIOLOGIST ASSISTANT”;**

24 (3) **“AUDIOMETRY ASSISTANT”;**

25 (4) **“AUDIOMETRIST ASSISTANT”;** ~~OR~~

26 (5) **“AUDIOLOGICAL ASSISTANT”;** ~~;~~

27 (6) **“HEARING AID TECHNICIAN”;** **OR**

28 (7) **“COCHLEAR IMPLANT TECHNICIAN”.**

1 A person may not knowingly make a false, material statement in an application for
2 a license ~~{or a}~~, limited license, ~~OR REGISTRATION~~ or for renewal of a license ~~{or a}~~,
3 limited license, ~~OR REGISTRATION~~.

4 2-404.

5 A person may not materially alter a license ~~{or a}~~, limited license, ~~OR~~
6 ~~REGISTRATION~~ with fraudulent intent.

7 2-405.

8 A person may not transfer or offer to transfer a license ~~{or a}~~, limited license, ~~OR~~
9 ~~REGISTRATION~~ for consideration.

10 2-406.

11 While providing hearing aid services as an audiologist [or], AN AUDIOLOGY
12 ASSISTANT, OR a hearing aid dispenser, a person may not:

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.