

# SENATE BILL 379

J2

(11r1677)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senator Lam**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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

---

**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.

*Italics indicate opposite chamber/conference committee amendments.*



1 must meet to qualify for ~~registration~~ licensure as an audiology assistant; authorizing  
 2 the Board to waive certain qualifications in a certain manner; requiring the Board  
 3 to issue a ~~registration~~ license to certain applicants; prohibiting the Board from  
 4 adopting certain regulations that are more stringent than certain qualifications;  
 5 providing that a certain ~~registration~~ license authorizes a certain individual to assist  
 6 in the practice of audiology while the ~~registration~~ license is effective; requiring the  
 7 Board to determine the term of a ~~registration~~ license and certain renewal and  
 8 reinstatement requirements in a certain manner; requiring a ~~registered~~ licensed  
 9 audiology assistant to assist in the practice of audiology under certain supervision;  
 10 authorizing a licensed audiologist to supervise not more than a certain number of  
 11 audiology assistants at any time; providing that certain applicants and ~~registered~~  
 12 licensed audiology assistants are subject to certain provisions of law in a certain  
 13 manner; prohibiting a person from practicing, attempting to practice, or offering to  
 14 assist in the practice of audiology except under certain circumstances; ~~prohibiting a~~  
 15 ~~person from using or attempting to use a certain registration;~~ prohibiting certain  
 16 individuals from making certain representations to the public and using certain  
 17 titles; ~~prohibiting a person from knowingly making certain false statements in~~  
 18 ~~certain applications, materially altering certain registrations, or transferring or~~  
 19 ~~offering to transfer certain registrations in a certain manner; prohibiting audiology~~  
 20 ~~assistants from engaging in certain trade practices and otherwise violating certain~~  
 21 ~~provisions of commercial law; altering a certain definition;~~ defining certain terms;  
 22 and generally relating to the ~~registration~~ licensing of audiology assistants.

23 BY repealing and reenacting, without amendments,

24 Article – Health Occupations

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

26 Annotated Code of Maryland

27 (2014 Replacement Volume and 2020 Supplement)

28 BY adding to

29 Article – Health Occupations

30 Section 2–101(b–1), (d–1), ~~(c), and (t)~~ and (k–1) and 2–314(25); 2–3A–01 through  
 31 2–3A–07 to be under the new subtitle “Subtitle 3A. ~~Registration~~ Licensing of

32 Audiology Assistants”; and 2–402.4

33 Annotated Code of Maryland

34 (2014 Replacement Volume and 2020 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article – Health Occupations

37 Section ~~2–101(c), (t), and (u)~~ 2–101(j), 2–102(a), 2–205, 2–314(23) and (24), 2–401,  
 38 and ~~2–403 through~~ 2–406

39 Annotated Code of Maryland

40 (2014 Replacement Volume and 2020 Supplement)

41 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

42 That the Laws of Maryland read as follows:

1 **Article – Health Occupations**

2 2–101.

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

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

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

7 **(2) DOES NOT WORK INDEPENDENTLY; AND**

8 **(3) WORKS UNDER THE GENERAL SUPERVISION OF AN AUDIOLOGIST**  
 9 **LICENSED UNDER THIS TITLE.**

10 **(D–1) “GENERAL SUPERVISION” MEANS THE SUPERVISION OF A ~~REGISTERED~~**  
 11 **LICENSED AUDIOLOGY ASSISTANT BY A LICENSED AUDIOLOGIST WHO MAY OR MAY**  
 12 **NOT BE PRESENT WHEN THE ~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANT**  
 13 **ASSISTS IN THE PRACTICE OF AUDIOLOGY.**

14 (j) (1) “License” means, unless the context requires otherwise, a license issued  
 15 by the Board to practice audiology, hearing aid dispensing, or speech–language pathology,  
 16 or to assist in the practice of speech–language pathology OR AUDIOLOGY.

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

19 ~~(S) (K–1) “~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANT” MEANS,~~  
 20 ~~UNLESS THE CONTEXT REQUIRES OTHERWISE, AN AUDIOLOGY ASSISTANT WHO IS~~  
 21 ~~REGISTERED LICENSED BY THE BOARD TO ASSIST A LICENSED AUDIOLOGIST IN THE~~  
 22 ~~PRACTICE OF AUDIOLOGY.~~

23 ~~(T) “REGISTRATION” MEANS, UNLESS THE CONTEXT REQUIRES~~  
 24 ~~OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO ASSIST IN THE PRACTICE~~  
 25 ~~OF AUDIOLOGY.~~

26 ~~[(e)] (U) “Speech–language pathologist” means an individual who practices~~  
 27 ~~speech–language pathology.~~

28 ~~[(t)] (V) “Speech–language pathology assistant” means an individual who:~~

29 ~~(1) Meets the minimum qualifications established by the Board that shall~~  
 30 ~~be less stringent than those established by this title to license speech–language~~  
 31 ~~pathologists;~~

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

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

4           ~~[(u)] (w) "Telehealth" means the use of telecommunications and information~~  
5 ~~technologies for the exchange of information from one site to another for the provision of~~  
6 ~~health care to an individual from a provider through hardwire or Internet connection.~~

7 2-102.

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

11 2-205.

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

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

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

18           (3) To adopt an official seal;

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

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

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

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

28           **(8) TO ADOPT REGULATIONS GOVERNING THE ~~REGISTRATION~~**  
29 **LICENSING OF AUDIOLOGY ASSISTANTS AND ASSISTANCE IN THE PRACTICE OF**  
30 **AUDIOLOGY.**

1 2-314.

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

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

8 (24) Fails to submit to a criminal history records check in accordance with §  
9 2-303.1 of this subtitle; OR

10 (25) SUPERVISES OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE  
11 ASSISTANCE OF AUDIOLOGY.

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

13 **2-3A-01.**

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

18 (B) THE BOARD MAY ALLOW AN AUDIOLOGY ASSISTANT LICENSED ~~OR~~  
19 ~~REGISTERED~~ IN ANOTHER STATE TO ASSIST IN THE PRACTICE OF AUDIOLOGY IN  
20 THIS STATE WITHOUT ~~REGISTRATION~~ A LICENSE IF THE AUDIOLOGY ASSISTANT HAS  
21 A COMPLETED APPLICATION FOR ~~REGISTRATION~~ A LICENSE PENDING BEFORE THE  
22 BOARD.

23 **2-3A-02.**

24 (A) TO QUALIFY FOR A ~~REGISTRATION LICENSURE~~ LICENSE TO ASSIST IN  
25 THE PRACTICE OF AUDIOLOGY, AN APPLICANT MUST BE AN INDIVIDUAL WHO MEETS  
26 THE REQUIREMENTS OF THIS SECTION.

27 (B) THE APPLICANT MUST:

28 (1) BE OF GOOD MORAL CHARACTER;

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

30 (3) DEMONSTRATE ORAL COMPETENCY;

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

3           (5) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE  
4 BOARD REQUIRES; AND

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

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

8 **2-3A-03.**

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

12           (B) THE BOARD MAY NOT ADOPT REGULATIONS TO ESTABLISH  
13 QUALIFICATIONS OF APPLICANTS THAT ARE MORE STRINGENT THAN THE  
14 QUALIFICATIONS ESTABLISHED UNDER THIS TITLE FOR APPLICANTS FOR A LICENSE  
15 TO PRACTICE AUDIOLOGY.

16 **2-3A-04.**

17           A ~~REGISTRATION~~ LICENSE TO ASSIST IN THE PRACTICE OF AUDIOLOGY  
18 AUTHORIZES THE ~~REGISTERED~~ LICENSED INDIVIDUAL TO ASSIST A LICENSED  
19 AUDIOLOGIST IN THE PRACTICE OF AUDIOLOGY WHILE THE ~~REGISTRATION~~ LICENSE  
20 IS EFFECTIVE.

21 **2-3A-05.**

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

24 **2-3A-06.**

25           (A) A ~~REGISTERED~~ LICENSED AUDIOLOGY ASSISTANT SHALL ASSIST THE  
26 PRACTICE OF AUDIOLOGY UNDER THE GENERAL SUPERVISION OF A LICENSED  
27 AUDIOLOGIST.

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

30 **2-3A-07.**

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

7 2-401.

8 (a) Except as otherwise provided in this title, a person may not practice, attempt  
9 to practice, or offer to practice audiology, hearing aid dispensing, or speech-language  
10 pathology, or assist in the practice of speech-language pathology **OR AUDIOLOGY** in this  
11 State unless licensed ~~OR REGISTERED~~ by the Board to practice audiology, hearing aid  
12 dispensing, or speech-language pathology, or assist in the practice of speech-language  
13 pathology **OR AUDIOLOGY**.

14 (b) A person may not use or attempt to use a license ~~for a~~ <sup>for a</sup> limited license, ~~OR~~  
15 ~~REGISTRATION~~ that has been purchased, fraudulently obtained, counterfeited, or  
16 materially altered.

17 ~~2-402.4.~~

18 (A) **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 REPRESENT TO THE PUBLIC, BY TITLE, DESCRIPTION OF**  
21 **SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON:**

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

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

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

29 (1) **“AUDIOLOGY ASSISTANT”;**

30 (2) **“AUDIOLOGIST ASSISTANT”;**

31 (3) **“AUDIOMETRY ASSISTANT”;**

- 1           (4) “AUDIOMETRIST ASSISTANT”; ~~OR~~
- 2           (5) “AUDIOLOGICAL ASSISTANT”;
- 3           (6) “HEARING AID TECHNICIAN”; OR
- 4           (7) “COCHLEAR IMPLANT TECHNICIAN”.

5 2–403.

6           A person may not knowingly make a false, material statement in an application for  
7 a license ~~for a~~, limited license, ~~OR REGISTRATION~~ or for renewal of a license ~~for a~~,  
8 limited license, ~~OR REGISTRATION~~.

9 2–404.

10           A person may not materially alter a license ~~for a~~, limited license, ~~OR~~  
11 ~~REGISTRATION~~ with fraudulent intent.

12 2–405.

13           A person may not transfer or offer to transfer a license ~~for a~~, limited license, ~~OR~~  
14 ~~REGISTRATION~~ for consideration.

15 2–406.

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

- 18           (1) Engage in an unfair or deceptive trade practice, as defined in § 13–301  
19 of the Commercial Law Article; or
- 20           (2) Violate any provision of Title 14, Subtitle 25 of the Commercial Law  
21 Article.

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