

SENATE BILL 523

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11r0804
CF HB 600

By: **Senator Lam (By Request – State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists)**

Introduced and read first time: January 22, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2021

CHAPTER _____

1 AN ACT concerning

2 **State Board of Examiners for Audiologists, Hearing Aid Dispensers, and**
3 **Speech–Language Pathologists – Duties, Appointment of Members, and**
4 **Requirements for Licensees**

5 FOR the purpose of altering the definition of “board” for purposes of requiring the State
6 Board of Examiners for Audiologists, Hearing Aid Dispensers, and
7 Speech–Language Pathologists to post a list of certain courses, provide certain
8 information on certain courses at a certain time, and advertise the availability of
9 certain courses; requiring the Board, instead of certain organizations, to submit
10 certain lists to the Secretary of Health and the Governor for the purpose of
11 appointing certain speech–language pathologist and certain audiologist members;
12 requiring the Board to notify licensed speech–language pathologists in the State of
13 a certain vacancy ~~and conduct a certain balloting process for the purpose of filling~~
14 ~~certain speech–language pathologist member vacancies~~; requiring the Board, rather
15 than certain organizations, to notify licensed audiologists in the State of a certain
16 vacancy ~~and~~; ~~repealing a certain provision of law requiring certain organizations to~~
17 ~~conduct a certain balloting process for the purpose of filling certain audiologist~~
18 ~~member vacancies~~; requiring the Secretary, rather than the Department of
19 Disabilities, to submit a certain list to the Governor for purposes of appointing
20 certain consumer members; repealing the requirement that the Department of
21 Disabilities solicit certain nominees for certain consumer members; authorizing
22 certain organizations or family members to submit certain recommendations to the
23 Secretary for certain consumer member vacancies; authorizing the Board and the
24 Secretary to notify certain organizations or family members of a certain vacancy and

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 solicit certain applications; requiring certain licensees to identify and represent
 2 themselves to the public using certain information; requiring certain licensees to
 3 include a certain license number on certain documentation; ~~repealing a certain~~
 4 ~~requirement that a certain licensee display a certain license in a certain manner in~~
 5 ~~a certain place~~; requiring the Board to maintain a certain list of individuals licensed
 6 by the Board and make the list available on its website; authorizing an individual to
 7 contact the Board to verify a certain license; altering the changes in information with
 8 respect to which a licensee is required to notify the Board within a certain period of
 9 time; repealing certain obsolete provisions of law; making technical, stylistic, and
 10 conforming changes; and generally relating to audiologists, hearing aid dispensers,
 11 and speech–language pathologists.

12 BY repealing and reenacting, with amendments,
 13 Article – Health Occupations
 14 Section 1–801, 2–202(a), 2–302.1(a), 2–302.2, 2–305(a) and (b), 2–307.4, and 2–311
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2020 Supplement)

17 BY repealing and reenacting, without amendments,
 18 Article – Health Occupations
 19 Section 1–802
 20 Annotated Code of Maryland
 21 (2014 Replacement Volume and 2020 Supplement)

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

24 **Article – Health Occupations**

25 1–801.

26 (a) In this subtitle the following words have the meanings indicated.

27 (b) “Applicant” means an individual who applies for licensure to practice as a
 28 health care professional.

29 (c) “Board” means:

30 **(1) THE STATE BOARD OF EXAMINERS FOR AUDIOLOGISTS,**
 31 **HEARING AID DISPENSERS, AND SPEECH–LANGUAGE PATHOLOGISTS;**

32 **[(1)] (2)** The State Board of Dental Examiners;

33 **[(2)] (3)** The State Board of Nursing;

34 **[(3)] (4)** The State Board of Examiners in Optometry;

- 1 **[(4)] (5)** The State Board of Pharmacy;
- 2 **[(5)] (6)** The State Board of Physicians;
- 3 **[(6)] (7)** The State Board of Podiatric Medical Examiners;
- 4 **[(7)] (8)** The State Board of Professional Counselors and Therapists;
- 5 **[(8)] (9)** The State Board of Examiners of Psychologists; and
- 6 **[(9)] (10)** The State Board of Social Work Examiners.

7 (d) “Health care professional” means:

8 **(1) AN INDIVIDUAL LICENSED BY THE STATE BOARD OF EXAMINERS**
9 **FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH–LANGUAGE**
10 **PATHOLOGISTS;**

- 11 **[(1)] (2)** A dentist licensed by the State Board of Dental Examiners;
- 12 **[(2)] (3)** A registered nurse or licensed practical nurse licensed by the
13 State Board of Nursing;
- 14 **[(3)] (4)** An optometrist licensed by the State Board of Examiners in
15 Optometry;
- 16 **[(4)] (5)** A pharmacist licensed by the State Board of Pharmacy;
- 17 **[(5)] (6)** A physician licensed by the State Board of Physicians;
- 18 **[(6)] (7)** A podiatrist licensed by the State Board of Podiatric Medical
19 Examiners;
- 20 **[(7)] (8)** An individual licensed by the State Board of Professional
21 Counselors and Therapists;
- 22 **[(8)] (9)** A psychologist licensed by the State Board of Examiners of
23 Psychologists; and
- 24 **[(9)] (10)** An associate social worker, a graduate social worker, a certified
25 social worker, or a certified social worker–clinical licensed by the State Board of Social
26 Work Examiners.

27 1–802.

1 (a) (1) The Office of Minority Health and Health Disparities shall provide to
2 each board a list of recommended courses in cultural and linguistic competency, health
3 disparities, and health literacy.

4 (2) The Department, in consultation with the Department of Veterans
5 Affairs, shall provide to each board a list of recommended courses in military culture.

6 (b) Each board shall:

7 (1) Post the list of recommended courses provided to the board under
8 subsection (a) of this section prominently on the board's Web site;

9 (2) Provide information about the recommended courses to health care
10 professionals at the time of renewal of licensure; and

11 (3) Advertise the availability of the recommended courses in newsletters
12 and any other media published by the board.

13 2–202.

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

15 (2) Of the 13 Board members:

16 (i) 3 shall be licensed audiologists who have at least 5 years' paid
17 work experience in audiology and are currently practicing audiology in the State;

18 (ii) 3 shall be licensed speech–language pathologists who have at
19 least 5 years' paid work experience in speech–language pathology and are currently
20 practicing speech–language pathology in the State;

21 (iii) 2 shall be physicians who shall be voting members of the Board,
22 except on proposals that expand or restrict the practice of audiology as defined in § 2–101(q)
23 of this title or that expand or restrict the practice of speech–language pathology as defined
24 in § 2–101(r) of this title, and who:

25 1. Are licensed to practice medicine in the State;

26 2. Hold a certificate of qualification from the American Board
27 of Otolaryngology; and

28 3. Are currently practicing in the State;

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

31 (v) 3 shall be licensed hearing aid dispensers who have at least 5

1 years' paid work experience in dispensing hearing aids and are currently practicing hearing
2 aid dispensing in the State.

3 (3) (I) The Governor shall appoint the physician members, with the
4 advice of the Secretary, from a list submitted to the Secretary and the Governor by the
5 Maryland Society of Otolaryngology.

6 (II) There shall be at least 3 names on the list.

7 (4) (I) The Governor shall appoint the speech–language pathologist
8 members, with the advice of the Secretary, from a list submitted to the Secretary and the
9 Governor by the [Maryland Speech–Language and Hearing Association] **BOARD**.

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

12 (III) **FOR EACH LICENSED SPEECH–LANGUAGE PATHOLOGIST**
13 **VACANCY, THE BOARD SHALL:**

14 ~~1. NOTIFY~~ **NOTIFY** ALL LICENSED SPEECH–LANGUAGE
15 **PATHOLOGISTS IN THE STATE OF THE VACANCY TO SOLICIT NOMINATIONS TO FILL**
16 **THE VACANCY; AND**

17 ~~2. CONDUCT A BALLOTING PROCESS BY WHICH EVERY~~
18 ~~LICENSED SPEECH–LANGUAGE PATHOLOGIST IN THE STATE IS ELIGIBLE TO VOTE~~
19 ~~ON THE NAMES OF THE LICENSED SPEECH–LANGUAGE PATHOLOGISTS TO BE~~
20 ~~SUBMITTED TO THE SECRETARY AND THE GOVERNOR.~~

21 (5) (i) Subject to subparagraph [(ii)] (III) of this paragraph, the
22 Governor shall appoint the audiologist members, with the advice of the Secretary, from a
23 list submitted to the Secretary and the Governor[, jointly by the Maryland Academy of
24 Audiology and the Maryland Speech–Language and Hearing Association] **BY THE BOARD**.

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

27 [(ii)] (III) For each audiologist vacancy, the [Maryland Academy of
28 Audiology and the Maryland Speech–Language and Hearing Association] **BOARD** shall:

29 ~~1. Notify~~ **NOTIFY** all licensed audiologists in the State of the
30 vacancy to solicit nominations to fill the vacancy; and

31 ~~2. Conduct a balloting process by which every licensed~~
32 ~~audiologist in the State is eligible to vote on the names of the licensed audiologists to be~~
33 ~~submitted to the Secretary and the Governor.~~

1 (6) (i) The Governor shall appoint the hearing aid dispenser members,
2 with the advice of the Secretary, from a list submitted to the Secretary and the Governor
3 by the Maryland members of the Hearing Society of Maryland, Washington, D.C., and
4 Delaware.

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

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

9 **(II) THE BOARD AND THE SECRETARY MAY SOLICIT**
10 **APPLICATIONS FOR CONSUMER MEMBER VACANCIES FROM THE GENERAL PUBLIC.**

11 ~~[(ii)]~~ **(III)** 1. The Governor shall appoint the consumer member
12 who is a consumer of services provided by an individual licensed by the Board from a list
13 submitted ~~[to]~~ **BY** the Secretary ~~[and the Governor by the Department of Disabilities]~~.

14 **[2. The Department of Disabilities shall solicit nominees from**
15 **associations representing hearing or communication impaired individuals in the State.]**

16 **2. AN ORGANIZATION REPRESENTING PATIENTS OR**
17 **FAMILY MEMBERS OF PATIENTS SERVED BY INDIVIDUALS LICENSED BY THE BOARD**
18 **MAY SUBMIT RECOMMENDATIONS FOR THE CONSUMER BOARD MEMBER APPOINTED**
19 **UNDER THIS SUBPARAGRAPH TO THE SECRETARY.**

20 **3. THE BOARD AND THE SECRETARY MAY NOTIFY**
21 **ORGANIZATIONS REPRESENTING PATIENTS OR FAMILY MEMBERS OF PATIENTS**
22 **SERVED BY INDIVIDUALS LICENSED BY THE BOARD OF A VACANCY FOR THE**
23 **CONSUMER MEMBER APPOINTED UNDER THIS SUBPARAGRAPH.**

24 2–302.1.

25 (a) **[On or after January 1, 2008, to] TO** qualify for an initial license to practice
26 hearing aid dispensing, an applicant shall be an individual who meets the requirements of
27 this section.

28 2–302.2.

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

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

32 (c) The applicant shall:

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

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

7 [(d)] (3) Except as otherwise provided in this title, [the applicant shall] pass an
8 examination in speech–language pathology as required by regulations adopted by the
9 Board[.];

10 [(e)] (4) [The applicant shall demonstrate] **DEMONSTRATE** oral competency[.];
11 **AND**

12 [(f)] (5) [The applicant shall submit] **SUBMIT** to a criminal history records
13 check in accordance with § 2–303.1 of this subtitle.

14 2–305.

15 (a) The Board, **IN ITS DISCRETION**, may waive any of the qualifications required
16 for a license to practice audiology under this title for an individual who:

17 (1) Is of good moral character;

18 (2) Pays the application fee required by the Board under § 2–303 of this
19 subtitle; and

20 (3) (i) Holds or has held a national certification in audiology from an
21 organization if the organization is recognized by the Board and the qualifications for
22 certification meet the practice requirements established by the regulations adopted by the
23 Board;

24 (ii) Holds a current license to practice audiology in another state if
25 the Board determines that the state has requirements for licensure that are at least
26 equivalent to the requirements of this State and meet the practice requirements
27 established under regulations adopted by the Board; or

28 (iii) [On or before September 30, 2007, holds] **HOLDS** a current
29 license to practice audiology in this or another state or practices audiology under the
30 authority and supervision of an agency of the federal government or a board, agency, or
31 department of this State or another state if:

32 1. The individual holds a master's degree in audiology from
33 an accredited educational program;

1 2. The Board determines that the requirements for practice
2 are at least equivalent to the requirements of this Board; and

3 3. The individual meets other requirements established by
4 regulations adopted by the Board that may not include a requirement for a doctoral degree
5 in audiology.

6 (b) The Board, **IN ITS DISCRETION**, may waive any of the qualifications required
7 for a license to practice speech–language pathology or to assist in the practice of
8 speech–language pathology under this title for an individual who:

9 (1) Is of good moral character;

10 (2) Pays the application fee required by the Board under § 2–303 of this
11 subtitle; and

12 (3) (i) Holds or has held a national certification in speech–language
13 pathology or as an assistant of speech–language pathology from an organization if the
14 organization is recognized by the Board and the qualifications for certification meet the
15 practice requirements established by the regulations adopted by the Board; or

16 (ii) Holds a current license to practice speech–language pathology or
17 to assist in the practice of speech–language pathology in another state that the Board
18 determines has requirements for licensure and practice that are at least equivalent to the
19 requirements established under regulations adopted by the Board.

20 2–307.4.

21 (A) A licensee shall identify and represent themselves **TO THE PUBLIC** by
22 [profession and]:

23 (1) **THE PROFESSION FOR WHICH THE LICENSEE HOLDS A LICENSE;**

24 (2) **THE degree earned TO OBTAIN THE LICENSE; AND**

25 (3) **THE NAME ON THE LICENSE.**

26 (B) **A LICENSEE SHALL INCLUDE THE LICENSEE’S LICENSE NUMBER ON**
27 **WORK–RELATED DOCUMENTATION, INCLUDING:**

28 (1) **WRITTEN CLIENT REPORTS; AND**

29 (2) **IF APPLICABLE, AUDIOGRAMS.**

30 2–311.

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

3 ~~(A)~~ **(B) (1) THE BOARD SHALL MAINTAIN AN ELECTRONIC LIST OF EACH**
4 **INDIVIDUAL LICENSED BY THE BOARD.**

5 **(2) THE BOARD SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.**

6 **(3) AN INDIVIDUAL MAY CONTACT THE BOARD TO VERIFY AN**
7 **INDIVIDUAL’S LICENSE.**

8 ~~(B)~~ **(C)** If a licensee has more than one place of business, the licensee shall notify the
9 Board of the address the Board may use to send notices and other correspondence.

10 ~~(C)~~ **(D)** A licensee shall notify the Board in writing of a change of **MAILING** address,
11 **E-MAIL ADDRESS, OR PHONE NUMBER** within 30 days after the change [of address].

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.