

Chapter 713

(House Bill 161)

AN ACT concerning

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

FOR the purpose of requiring an individual, on or after a certain date, to be ~~registered~~ licensed by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists before assisting in the practice of audiology in the State, except as otherwise provided under certain provisions of law; altering the Board’s powers and duties to include certain powers and duties related to audiology assistants; authorizing the Board to adopt certain regulations governing the ~~registration~~ licensing of audiology assistants and assistance in the practice of audiology; altering certain grounds for discipline to allow the Board to take certain action against certain applicants or licensees for supervising or aiding an unauthorized individual in the assistance of audiology; authorizing the Board to allow an audiology assistant licensed ~~or registered~~ in another state to practice in the State under certain circumstances; establishing certain qualifications an applicant must meet to qualify for ~~registration~~ licensure as an audiology assistant; authorizing the Board to waive certain qualifications in a certain manner; requiring the Board to issue a ~~registration~~ license to certain applicants; prohibiting the Board from adopting certain regulations that are more stringent than certain qualifications; providing that a certain ~~registration~~ license authorizes a certain individual to assist in the practice of audiology while the ~~registration~~ license is effective; requiring the Board to determine the term of a ~~registration~~ license and certain renewal and reinstatement requirements in a certain manner; requiring a ~~registered~~ licensed audiology assistant to assist in the practice of audiology under certain supervision; authorizing a licensed audiologist to supervise not more than a certain number of audiology assistants at any time; providing that certain applicants and ~~registered~~ licensed audiology assistants are subject to certain provisions of law in a certain manner; prohibiting a person from practicing, attempting to practice, or offering to assist in the practice of audiology except under certain circumstances; ~~prohibiting a person from using or attempting to use a certain registration;~~ prohibiting certain individuals from making certain representations to the public and using certain titles; ~~prohibiting a person from knowingly making certain false statements in certain applications, materially altering certain registrations, or transferring or offering to transfer certain registrations in a certain manner; prohibiting audiology assistants from engaging in certain trade practices and otherwise violating certain provisions of commercial law;~~ altering a certain definition; defining certain terms; and generally relating to the ~~registration~~ licensing of audiology assistants.

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section ~~2–101(a) and 2–403 through 2–405~~
 Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

BY adding to

Article – Health Occupations

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

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

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

Annotated Code of Maryland

(2014 Replacement Volume and 2020 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–1) “AUDIOLOGY ASSISTANT” MEANS AN INDIVIDUAL WHO:

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

(2) DOES NOT WORK INDEPENDENTLY; AND

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

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

(j) (1) “License” means, unless the context requires otherwise, 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 AUDIOLOGY.

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

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

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

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

~~[(t)] (V) “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; and~~

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

~~[(u)] (W) “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 OR AUDIOLOGY in the State.

2-205.

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, hearing aid dispensing, and speech–language pathology, and the assistance in the practice of speech–language pathology **AND AUDIOLOGY**;

(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 ~~AND REGISTERED~~ by the Board;

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

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

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

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:

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

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

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

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

2–3A–01.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, ON OR AFTER OCTOBER 1, 2022, AN INDIVIDUAL SHALL BE ~~REGISTERED~~ LICENSING BY THE BOARD

BEFORE THE INDIVIDUAL MAY ASSIST A LICENSED AUDIOLOGIST IN THE PRACTICE OF AUDIOLOGY IN THIS STATE.

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

2-3A-02.

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

(B) THE APPLICANT MUST:

- (1) BE OF GOOD MORAL CHARACTER;**
- (2) HOLD A HIGH SCHOOL DIPLOMA OR EQUIVALENT DEGREE;**
- (3) DEMONSTRATE ORAL COMPETENCY;**

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

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

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

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

2-3A-03.

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

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

2-3A-04.

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

2-3A-05.

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

2-3A-06.

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

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

2-3A-07.

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

2-401.

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

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

2-402.4.

(A) UNLESS AUTHORIZED TO PRACTICE AS AN AUDIOLOGY 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 AN AUDIOLOGY ASSISTANT IN THE STATE; OR

(2) ASSISTS IN THE PRACTICE OF AUDIOLOGY.

(B) UNLESS AUTHORIZED TO PRACTICE AS AN AUDIOLOGY 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 AUDIOLOGY, INCLUDING:

(1) “AUDIOLOGY ASSISTANT”;

(2) “AUDIOLOGIST ASSISTANT”;

(3) “AUDIOMETRY ASSISTANT”;

(4) “AUDIOMETRIST ASSISTANT”; ~~OR~~

(5) “AUDIOLOGICAL ASSISTANT”~~;~~;

(6) “HEARING AID TECHNICIAN”; OR

(7) “COCHLEAR IMPLANT TECHNICIAN”.

2-403.

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

2-404.

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

2-405.

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

2-406.

While providing hearing aid services as an audiologist [or], AN AUDIOLOGY ASSISTANT, 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.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.