

**HB0401/703821/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 401

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Kelly**” and substitute “**Delegates Martinez, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, M. Morgan, Pena–Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods**”; in line 2, strike “**Health Occupations – Practice Audiology – Definition**” and substitute “**Maryland Audiology, Hearing Aid Dispensing, Speech–Language Pathology, and Music Therapy Act – Definitions and Application**”; in line 3, after the first “of” insert “altering the definition of “hearing aid dispensing” to include certain actions taken for the purpose of ordering certain hearing instruments and specifying that certain hearing instruments include prescription hearing aids;”; in line 4, after “audiologists;” insert “providing that certain provisions of law do not apply to certain actions taken with respect to certain over–the–counter hearing aids;”; in line 5, strike “practice of audiology” and substitute “Maryland Audiology, Hearing Aid Dispensing, Speech–Language Pathology, and Music Therapy Act”; strike in their entirety lines 6 through 16, inclusive; and in line 19, strike “2–101(q)” and substitute “2–101(h) and (q) and 2–102”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 3, inclusive; in lines 4 and 27, strike “2.” and “3.”, respectively, and substitute “1.” and “2.”, respectively; in line 4, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”; strike in their entirety lines 8 and 9; in line 10, strike the first set of brackets; in the same line, strike “**(R)**”; in line 14, strike the bracket; strike beginning with the period in line 15 down through “**EAR**” in line 16; and in lines 19 and 21, in each instance, strike “**OR OSSEO–INTEGRATED DEVICES**”.

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AMENDMENT NO. 3

On page 2, after line 9, insert:

“(h) (1) “Hearing aid dispensing” means performing, conducting, and interpreting hearing assessment procedures to determine the type and extent of hearing loss for the purpose of:

(i) Fitting AND ORDERING suitable hearing instruments, INCLUDING PRESCRIPTION HEARING AIDS;

(ii) Selecting suitable hearing instruments;

(iii) Programming a hearing aid by selecting and determining the frequency response, compression, output, gain, or other parameters of the hearing aid for initial wear by an individual or any required alterations throughout the use of the hearing aid;

(iv) Making ear molds or ear impressions; and

(v) Providing appropriate counseling.

(2) “Hearing aid dispensing” includes:

(i) An act pertaining to the ORDERING, selling, renting, leasing, or delivering of a hearing instrument, INCLUDING A PRESCRIPTION HEARING AID; and

(ii) Providing maintenance or repair services for a hearing aid.”.

AMENDMENT NO. 4

On page 2, after line 21, insert:

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“2-102.

(a) This title applies to an individual who practices audiology, hearing aid dispensing, speech-language pathology, or music therapy, or assists in the practice of speech-language pathology or audiology in the State.

(b) This title does not:

(1) Limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article;

(2) Prohibit an individual from practicing any other profession that the individual is authorized to practice under the laws of this State; [or]

(3) Limit the right of a physician who is authorized to practice medicine under the laws of the State to treat the human ear or fit hearing aids; OR

**(4) APPLY TO THE SERVICING, MARKETING, SALE, DISPENSING, USE, CUSTOMER SUPPORT, OR DISTRIBUTION OF OVER-THE-COUNTER HEARING AIDS THROUGH IN-PERSON TRANSACTIONS, BY MAIL, OR ONLINE AS AUTHORIZED BY FEDERAL LAW AND REGULATIONS.”;**

and in line 28, strike “October” and substitute “July”.