

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 401

(Delegate Martinez, *et al.*)

Health and Government Operations

Finance

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Maryland Audiology, Hearing Aid Dispensing, Speech-Language Pathology, and  
Music Therapy Act - Definitions and Application

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This bill specifies that “practice audiology” includes the prescribing, ordering, selling, dispensing, or fitting of a hearing aid to an individual for the correction or relief of a condition for which such devices are worn. The bill clarifies that “hearing aid dispensing” includes ordering and any act related to ordering suitable hearing instruments, including prescription hearing aids. The bill also specifies that Title 2 of the Health Occupations Article does not apply to the servicing, marketing, sale, dispensing, use, customer support, or distribution of over-the-counter (OTC) hearing aids, as specified. **The bill takes effect July 1, 2023.**

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Fiscal Summary

**State Effect:** The State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists can update related regulations with existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law/Bill Summary:** Generally, an individual must be licensed by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists to provide hearing aid services, practice audiology, practice speech-language pathology, or practice music therapy in Maryland.

Under current law, “practice audiology” means to apply the principals, methods, and procedures of measurement, prediction, evaluation, testing, counseling, consultation, and instruction that relate to the development and disorders of hearing, vestibular functions, and related language and speech disorders to prevent or modify the disorders or assist individuals in hearing and auditory and related skills for communication. “Practice audiology” includes the fitting or selling of hearing aids.

The bill expands this definition to include prescribing, ordering, selling, dispensing, or fitting hearing aids to an individual for the correction or relief of a condition for which hearing aids are worn.

Under current law, “hearing aid dispensing” means performing, conducting, and interpreting hearing assessment procedures to determine the type and extent of hearing loss for the purpose of fitting suitable hearing instruments, selecting suitable hearing instruments, programming a hearing aid, making ear molds or impressions, and providing appropriate counseling. “Hearing aid dispensing” includes an act pertaining to the selling, renting, leasing, or delivering of a hearing instrument and providing maintenance or repair services for a hearing aid.

The bill clarifies that “hearing aid dispensing” includes ordering and any act related to ordering suitable hearing instruments, including prescription hearing aids. The bill also clarifies that “hearing instrument” includes a prescription hearing aid.

Generally, current law relating to audiologists, hearing aid dispensers, speech-language pathologists, and music therapists does not limit the right of an individual to practice a health occupation that the individual is authorized to practice, prohibit an individual from practicing any other profession that the individual is authorized to practice, or limit the rights of a physician who is authorized to practice medicine under the laws of the State to treat the human ear or fit hearing aids.

The bill further specifies that Title 2 of the Health Occupations Article (the Maryland Audiology, Hearing Aid Dispensing, Speech-Language Pathology, and Music Therapy Act) does not apply to the servicing, marketing, sale, dispensing, use, customer support, or distribution of OTC hearing aids through in-person transactions, by mail, or online as authorized by federal law and regulations.

**Additional Information:** Recent changes to federal Food and Drug Administration [regulations governing hearing aids](#) established a category of OTC hearing aids and defined non-OTC hearing aids as prescription devices, rather than restricted devices. Generally, the bill conforms Maryland statute to the language in the federal regulations by authorizing audiologists to prescribe hearing aids rather than only fit and sell hearing aids.

## Additional Information

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 449 (Senator Gile, *et al.*) - Finance.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2023  
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Analysis by: Michael E. Sousane

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510