

UNOFFICIAL COPY OF SENATE BILL 449

SENATE BILL 449

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3lr2407
CF HB 401

By: **Senators Gile, Beidle, Ellis, Hershey, Kramer, Mautz, and Ready**

Introduced and read first time: February 2, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 ~~Health Occupations - Practice Audiology - Definition~~ **Maryland Audiology, Hearing Aid**
3 **Dispensing, Speech-Language Pathology, and Music Therapy Act - Definitions and Application**

4 FOR the purpose of altering the definition of "hearing aid dispensing" to include certain actions taken for
5 the purpose of ordering certain hearing instruments and specifying that certain hearing instruments include
6 prescription hearing aids; altering the definition of "practice audiology" for the purposes of certain
7 provisions of law governing the licensure of audiologists; providing that certain provisions of law do
8 not apply to certain actions taken with respect to certain over-the-counter hearing aids; and
9 generally relating to
10 the ~~practice of audiology~~ Maryland Audiology, Hearing Aid Dispensing, Speech-Language Pathology,
11 and Music Therapy Act.

12 ~~BY renumbering~~

13 ~~Article - Health Occupations~~
14 ~~Section 2-101(r) through (u)~~
15 ~~to be Section 2-101(s) through (v), respectively~~
16 ~~Annotated Code of Maryland~~
17 ~~(2021 Replacement Volume and 2022 Supplement)~~

18 ~~BY adding to~~

19 ~~Article - Health Occupations~~
20 ~~Section 2-101(q)~~
21 ~~Annotated Code of Maryland~~
22 ~~(2021 Replacement Volume and 2022 Supplement)~~

23 BY repealing and reenacting, with amendments,

24 Article - Health Occupations
25 Section ~~2-101(e)~~ 2-101(h) and (q) and 2-102
26 Annotated Code of Maryland
27 (2021 Replacement Volume and 2022 Supplement)

28 BY repealing and reenacting, without amendments,

29 Article - Health Occupations
30 Section 2-301(a)(1)
31 Annotated Code of Maryland
32 (2021 Replacement Volume and 2022 Supplement)

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1 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~
 2 ~~That Section(s) 2-101(r) through (u) of Article Health Occupations of the Annotated Code~~
 3 ~~of Maryland be renumbered to be Section(s) 2-101(e) through (v), respectively.~~

4 SECTION ~~2-1,~~ AND BE IT FURTHER ENACTED BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 MARYLAND, That the Laws of Maryland read
 5 as follows:

6 Article - Health Occupations

7 2-101.

8 ~~(q) "OSSEO-INTEGRATED DEVICE" MEANS A BONE-ANCHORED HEARING~~
 9 ~~DEVICE OR COCHLEAR IMPLANTS.~~

(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.

10 ~~{(q)} (r)~~ [(1)] "Practice audiology" means to [apply]:

11 (1) APPLY the principles, methods, and procedures of measurement,
 12 prediction, evaluation, testing, counseling, consultation, and instruction that relate to the
 13 development and disorders of hearing, vestibular functions, and related language and
 14 speech disorders, to ~~prevent or modify the disorders or assist individuals in hearing and~~
 15 ~~auditory and related skills for communication.~~ ~~ORDER, EVALUATE, DIAGNOSE,~~
 16 ~~MANAGE, OR TREAT ANY AUDITORY OR VESTIBULAR CONDITION IN THE HUMAN EAR;~~
 17 AND

18 (2) ["Practice audiology" includes the fitting or selling of] PRESCRIBE,
 19 ORDER, SELL, DISPENSE, OR FIT hearing aids ~~OR OSSEO-INTEGRATED DEVICES TO~~
 20 AN INDIVIDUAL FOR THE CORRECTION OR RELIEF OF A CONDITION FOR WHICH
 21 HEARING AIDS ~~OR OSSEO-INTEGRATED DEVICES~~ ARE WORN.

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.

22 2-301.

23 (a) (1) Except as otherwise provided in this title, an individual shall be
24 licensed by the Board before the individual may practice audiology, hearing aid dispensing,
25 speech-language pathology, or music therapy, or assist in the practice of speech-language
26 pathology or audiology in this State.

27 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 ~~October~~ July 1, 2023.