



# Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists & Music Therapists

*Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary*

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## 2023 SESSION POSITION PAPER

**BILL NO: SB 449**  
**COMMITTEE: Finance**  
**POSITION: SWA**

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**TITLE: Health Occupations – Practice Audiology - Definition**

**BILL ANALYSIS:** SB 449 will expand the definition of “practice audiology” and clarify the law generally related to the practice of audiology and governing the licensure of Audiologist.

**POSITION AND RATIONALE:** The Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists (the Board) support with amendments SB 449 – Health Occupations – Practice Audiology – Definition.

The Board is in support of expanding the definition of “practice audiology” to remain consistent with Federal law. On October 17, 2022, the Over the Counter (OTC) Hearing Aids Final Rule went into effect. According to 21 CFR §801.109(a)(2), prescription hearing aids are any device that is not an OTC Hearing Aid. The Food and Drug Administration (FDA) also issued a response stating the final rule “Does not change the necessary qualifications of who may provide hearing healthcare with prescription hearing aids”. Upon receiving clarification from the FDA, the Board believed amendments to our statute were not necessary. However, after a review of written testimony submitted for HB 401 and the reprint of the bill, the Board is in support of adding language to specify use of prescription hearing aids for both Audiologists and Hearing Aid Dispensers. The Board also wants to ensure that Audiologists working within various fields such as in research are not restricted within their scope of practice. Based upon the HB 401 reprint the Board recommends the following amendments:

### **Amendment 1**

On page 2, strike lines 8-9.

### **Amendment 2**

On page 2, lines 15-17 strike **ORDER, EVALUATE**; strike **ANY** and **IN THE HUMAN EAR** and substitute **CONDITIONS** for **CONDITION**.

This should read:

(1) "...and related language and speech disorders, to **DIAGNOSE, MANAGE, OR TREAT AUDITORY OR VESTIBULAR CONDITIONS; AND** "

**Amendment 3**

One page 2, lines 18-21, strike **PRESCRIBE, ORDER, SELL, DISPENSE, OR**; after **FIT**, strike **HEARING AIDS** through **WORN** and insert **DISPENSE, OR REPAIR PRESCRIPTION HEARING DEVICES SUCH AS HEARING AIDS**.

This should read:

(2) “**FIT, DISPENSE, OR REPAIR PRESCRIPTION HEARING DEVICES SUCH AS HEARING AIDS.**”

Thank you for your consideration of this testimony. The Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists respectfully request a favorable report on SB 449 with proposed amendments.

For more information, please contact me at 410-764-4723 or at [Oluremi.Dean@maryland.gov](mailto:Oluremi.Dean@maryland.gov).

Sincerely,



Oluremi Dean, MHA  
Executive Director  
Board of Examiners for Audiologists,  
Hearing Aid Dispensers, Speech-Language  
Pathologists, & Music Therapists

*The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.*