



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

*Arifa Qureshi, Chair – Oluremi Dean, Executive Director
4201 Patterson Avenue, Baltimore MD 21215 Phone: 410-764-4725*

March 30, 2023

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

RE: SB 449 – Maryland Audiology, Hearing Aid Dispenser, Speech-Language Pathology, and Music Therapy Act – Definitions and Application – Letter of Support as Amended

Dear Chair Peña-Melnyk and Committee Members:

The Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists (the Board) is submitting this letter of support as amended for Senate Bill (SB) 449 – Maryland Audiology, Hearing Aid Dispenser, Speech-Language Pathology, and Music Therapy Act – Definitions and Application.

The Board is in support of expanding the definitions of “hearing aid dispensing” and “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”. The Board recognized the need for clarification regarding the differences between prescription hearing aids and OTC hearing aids. As a result, the Board has published a memo on our website to assist licensees with answering frequently asked questions regarding OTC hearing devices. SB 449 would clarify even further that an Audiologist and Hearing Aid Dispenser are both authorized to prescribe, order, sell, dispense, or fit hearing aids. Finally, SB 449 also clarifies that §2-102 does not apply to the sale or distribution of OTC hearing aids. Therefore, licensees are not restricted from prescribing hearing aids or offering OTC hearing aids. The Board is in full support of adding language to specify use of prescription hearing aids for both Audiologists and Hearing Aid Dispensers.

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.

I hope this information is useful. If you would like to discuss this further, please contact me at 410-764-4723 or at Oluremi.Dean@maryland.gov.

Sincerely,

A handwritten signature in cursive script that reads "Oluremi Dean".

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 letter of support does not necessarily reflect that of the Department of Health or the Administration.