
MARYLAND SOCIETY OF OTOLARYNGOLOGISTS

SUBJECT: House Bill 464 – Health Occupations – Practice Audiology – Definition
COMMITTEE: House Health and Government Operations Committee
The Honorable Joseline Peña-Melnyk, Chair
DATE: Tuesday, February 23, 2024
POSITION: UNFAVORABLE

The Maryland Society of Otolaryngologists (MSO) represents more than 300 physicians who live and practice in Maryland. Otolaryngologists are physicians who diagnose and treat the ear, nose, throat, and related structures of the head and neck; most commonly referred to as ear, nose, and throat specialists (ENTs).

House Bill 464 would expand the scope of services and procedures an audiologist can provide in Maryland, and involve medical diagnosis, management and treatment which audiologists are not trained to provide. Disorders and conditions of the ear, while seemingly simple can often be complex and multi-factorial.

Areas of concern include:

- ❖ **The proposed definition for the “practice of audiology” through the use of the phrase “use any means known in the science of audiology”.**
 - This language is broad, undefined and does not speak to validated and acceptable standards of care. This would undermine the Board’s authority to discipline or question the appropriateness of a practice methodology.
- ❖ **“Evaluate, diagnose, manage [and] treat” are among the roles being added to the “practice of audiology”.**
 - This terminology traditionally references the practice of medicine. When these terms are used in other health occupations they are limited or qualified by a requirement for a higher level of education and training within that specialty.

Our foremost commitment is to deliver the best patient care and use best practices. We often work side by side with our Audiologists colleagues and together face the challenging conditions and disorders our patients present.

These bills need thoughtful discussion and deliberation by all stakeholders that cannot be accomplished in the weeks remaining of the 2024 Session.

For these reasons we ask you to vote UNFAVORABLE on House Bill 464.

Attachments:

- **Appendix 1: Letters of Opposition from Audiologists**
- **Appendix 2: Affidavits of availability to treat patients**
- **Appendix 3: Map of State showing distribution of otolaryngology practices**
- **Appendix 4: Language shared with Proponents to eliminate areas of concern**

For further information please contact: Mark Dettelbach M.D. madmd1964@yahoo.com

MARYLAND SOCIETY OF OTOLARYNGOLOGISTS

TESTIMONY APPENDICES:

- **Appendix 1: Letters of Opposition from Audiologists**
- **Appendix 2: Affidavits of availability to treat patients**
- **Appendix 3: Map of State showing distribution of otolaryngology practices**
- **Appendix 4: Language shared with Proponents to eliminate areas of concern**

MARYLAND SOCIETY OF OTOLARYNGOLOGISTS

LETTERS FROM ACTIVELY PRACTICING

AUDIOLOGISTS

IN

OPPOSITION

TO

SENATE BILL 795

HOUSE BILL 464



THE PHYSICIANS PAVILION EAST • 6565 N. CHARLES STREET • SUITE 601 • BALTIMORE, MD 21204
THE PHYSICIANS PAVILION NORTH • 6535 N. CHARLES STREET • SUITE 250 • BALTIMORE, MD 21204
(443)849-2142

DEPARTMENT OF AUDIOLOGY

KIMBERLY A. BANK, Au.D., CCC-A, FAAA
MELINA A. BLASI, Au.D., CCC-A, FAAA
LISA A. PETERS, Au.D., CCC-A, FAAA

SHARON PRIEBE, Au.D, FAAA
LARRY TAYLOR, Au.D., CCC-A, FAAA
DEVRA BRACE, Au.D., CCC-A, FAAA

February 22, 2024

The Honorable Joseline Pena-Melnyk, Chair
House Health and Government Operations Committee
241 House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: House Bill 464 - Health Occupations – Practice Audiology – Definition - **OPPOSITION**

Dear Chair Pena-Melnyk,

I the undersigned express reservations about House Bill 464 and the scope and breadth of expanded services enumerated in the bill.

As an actively practicing audiologist, I am concerned about the following:

Article 25 (IV) The ordering of cultures and bloodwork testing.

Article 26 (V) The ordering and performing of in-office nonradiographic scanning or imaging of the external auditory canal.

Article 29 (VI) The ordering of radiographic imaging.

I am the Director of Audiology at a busy ENT practice and have been practicing for the past 30 years. As an audiologist, I have not had any training or classes on microbiology or radiology. I would not feel comfortable ordering cultures or bloodwork testing, nor would I feel comfortable ordering any radiographic imaging. I am also not trained to make a medical diagnosis of a disorder or condition of the ear.

Ultimately, I feel this bill and exploration of expanding the scope of practice needs further study and discussion among all stakeholders. I am glad to participate in these discussions.

Respectfully submitted:

Kimberly Bank, Au.D., CCC-A (MD license #659)

February 21, 2024

The Honorable Joseline Pena-Melnyk, Chair
House Health and Government Operations Committee
241 House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: House Bill 464- Opposed - Health Occupations – Practice Audiology – Definition

Dear Chair Pena-Melnyk,

I the undersigned express reservations about House Bill 464 and the scope and breadth of expanded services enumerated in the bill.

As an actively practicing audiologist, I am concerned about the following:

Article 25 (IV) The ordering of cultures and bloodwork testing.

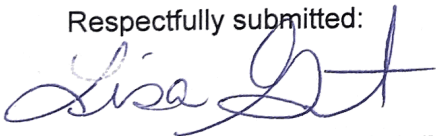
Article 26 (V) The ordering and performing of in-office nonradiographic scanning or imaging of the external auditory canal.

Article 29 (VI) The ordering of radiographic imaging.

I am the Director of Audiology at a busy ENT clinic and have been practicing here for the past 16 years. As an audiologist, I have not had any training or classes on microbiology or radiology. I would not feel comfortable ordering any cultures or bloodwork testing, nor would I feel comfortable ordering any radiographic imaging. I am also not trained to make a medical diagnosis of a disorder or condition of the ear. I represent 9 other audiologists at my practice who feel the same way.

Ultimately, I feel this bill and exploration of expanding the scope of practice needs further study and discussion among all stakeholders. I am glad to participate in these discussions.

Respectfully submitted:

A handwritten signature in blue ink that reads "Lisa Gebert". The signature is fluid and cursive, with the first name "Lisa" being larger and more prominent than the last name "Gebert".

Lisa Gebert, Au.D., CCC-A (MD license #01141)

February 27, 2024

The Honorable Joseline Pena-Melnyk, Chair
House Health and Government Operations Committee
241 House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: House Bill 464 - Health Occupations – Practice Audiology – Definition - OPPOSE

Dear Chair Pena-Melnyk,

We the undersigned express reservations about House Bill 464 and the scope and breadth of expanded services enumerated in the bill.

As actively practicing audiologists, we are concerned about the following:

Certain wording of the bill such as: “use any means known in the science of audiology” are very broad, and undefined. Potentially leading to wide interpretation and variability of practices within audiology. Additionally expanding the role of audiologists into the utilization of radiographic studies, laboratory testing, and the prescribing of medications falls under the role of our physician colleagues.

Ultimately, we feel this bill and exploration of expanding the scope of practice needs further study and discussion among all stakeholders. We are glad to participate in these discussions.

Respectfully submitted:

Cara Mahoney, Au.D.
Cara Mahoney, Au.D.

MARYLAND SOCIETY OF OTOLARYNGOLOGISTS

**SIGNED AFFIDAVITS FROM OTOLARYNGOLOGISTS
STATING THEIR ABILITY TO
ACCEPT AND ACCOMMODATE PATIENT REFERRALS
ON AN URGENT BASIS**

To the Maryland Legislature:

On behalf of our practice, I promise through this affidavit that our group of practitioners accepts patient referrals on an urgent basis and can bring these patients in within a business day of the request. If there is a problem encountered with scheduling, I offer services to facilitate accommodation.

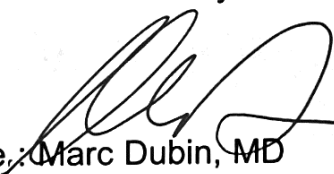


Annette Pham, MD, FACS
The Centers for Advanced ENT Care,
Metro ENT & Facial Plastic Surgery division

Practitioners in our office
Annette Pham, MD, FACS
Andrew Y. Lee, MD

To the Maryland Legislature:

On behalf of our practice, I promise through this affidavit that our group of practitioners accepts patient referrals on an urgent basis and can bring these patients in within a business day of the request. If there is a problem encountered with scheduling, I offer services to facilitate accommodation. Our offices also offer same day audiologic services.

Name/Signature:  Marc Dubin, MD 2/18/24

Practice/Division Name : Ear Nose and Throat Associates

Practitioners in our office

Dario Kunar, MD
Brian Kaplan, MD
Marc Dubin, MD
Aaron Wood, MD
Sam Hahn, MD
Doug Reh, MD
Brian Brooke, PA
Kim Harris, PA

To the Maryland Legislature:

On behalf of our practice, I promise through this affidavit that our group of practitioners accepts patient referrals on an urgent basis and can bring these patients in within a business day of the request. If there is a problem encountered with scheduling, I offer services to facilitate accommodation. We also offer same day audio testing

Name/Signature

Mark Dettelbach MD

A handwritten signature in black ink, appearing to read 'Mark Dettelbach', with a long horizontal flourish extending to the right.

Practice/Division Name

CAdENT Feldman ENT

Practitioners in our office

Seth Oringher MD

Chris Mesick MD

Phil Schoenfeld MD

Jack Williams MD

Natalie Earl MD

Jerome Schwartz MD

Jessica Shen MD

Nora Malaisrie MD

Kira Ogoshi PA

Adam Hartheimer PA

To the Maryland Legislature:

On behalf of our practice, I promise through this affidavit that our group of practitioners accepts patient referrals on an urgent basis and can bring these patients in within a business day of the request. If there is a problem encountered with scheduling, I offer services to facilitate accommodation. Our offices also offer same day audiologic services.

Michael H. Michael Siegel, MD

Name/Signature

Siegel, Bosworth + Sorensen, Division 1

Practice/Division Name

*Michael Siegel, MD
John Bosworth, Jr, MD
Pete Sorensen, MD*

Practitioners in our office

*Eleni Ionnidis, PA-C
AVA Shahdaddian PA-C
Alyssa Lloret, PA-C*

To the Maryland Legislature:

On behalf of our practice, I promise through this affidavit that our group of practitioners accepts patient referrals on an urgent basis and can bring these patients in within a business day of the request. If there is a problem encountered with scheduling, I offer services to facilitate accommodation. Our offices also offer same day audiologic services.

Name/Signature

SCOTT LONDON, president Chesapeake Ear Nose + Throat



Practice/Division Name

Practitioners in our office

Scott London, MD
Dan Santos, MD
Tan Nguyen, MD
Praveen Dugal, MD
Mark Schreyer, MD
Yerong Lumeyer, MD
Kevin Connolly, MD
Asiya Omar, PA
Suzanne Lim, PA
Dipa Patel, PA

Laura Toll, AuD
Erin Young, AuD
Julie Vissagio, AuD
Jad Schrenfeld, AuD
Alex Andrie, AuD
Jordan Erickson, AuD

To the Maryland Legislature:

On behalf of our practice, I promise through this affidavit that our group of practitioners accepts patient referrals on an urgent basis and can bring these patients in within a business day of the request. If there is a problem encountered with scheduling, I offer services to facilitate accommodation. Our offices also offer same day audiologic services.

Name/Signature Nicholas Mehta *N Mehta*
 Cynthia Chrosniak *C. Chrosniak*
 KEALAN HOBELMANN *KR HOEL*

Practice/Division Name
Chrosniak, Mehta + Hobelmann

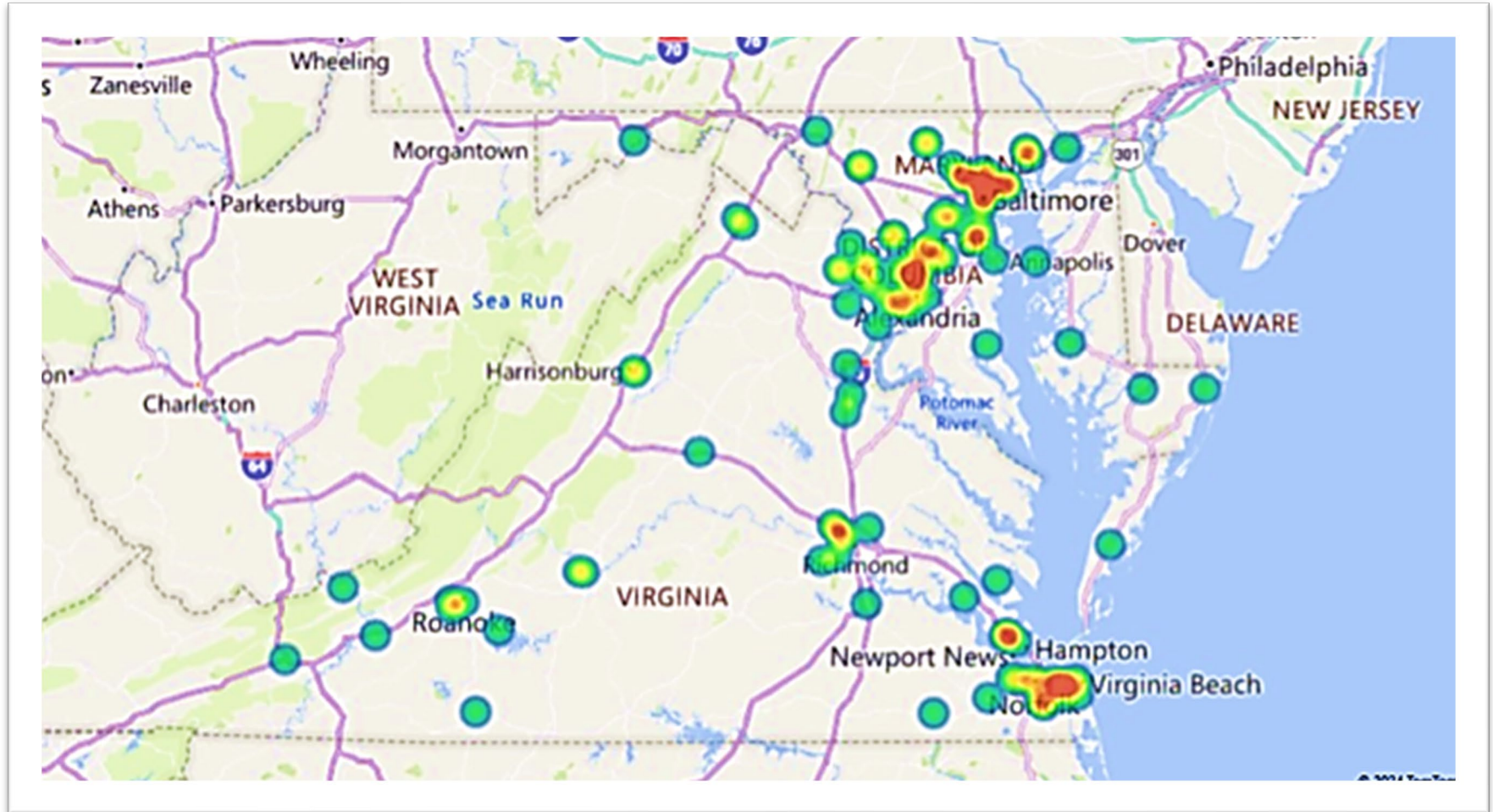
Practitioners in our office
Nicholas Mehta
Cynthia Chrosniak
Kealan Hobelmann

Appendix 3:

Map of Practice Settings

Map showing distribution of Otolaryngology Practices across the State of Maryland and surrounding region.

Red shows highest concentrations of practices



Appendix 4:

**Language shared with Proponents to eliminate
areas of concern**

SENATE BILL 795

J2

4r1744
CF HB 464

By: **Senators Gile, Beidle, Ellis, Hershey, Klausmeier, Lewis Young, Mautz, Ready, and A. Washington**

Introduced and read first time: February 1, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Practice Audiology – Definition**

3 FOR the purpose of altering the definition of “practice audiology” for the purposes of certain
4 provisions of law governing the licensure and regulation of audiologists; and
5 generally relating to the practice of audiology.

6 BY repealing and reenacting, without amendments,

7 Article – Health Occupations

8 Section 2–101(a)

9 Annotated Code of Maryland

10 (2021 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Health Occupations

13 Section 2–101(q)

14 Annotated Code of Maryland

15 (2021 Replacement Volume and 2023 Supplement)

16 BY adding to

17 Article – Health Occupations

18 Section 2–101(r–1)

19 Annotated Code of Maryland

20 (2021 Replacement Volume and 2023 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

23 **Article – Health Occupations**

24 2–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

sb0795

1 (a) In this title the following words have the meanings indicated.

2 (q) (1) “Practice audiology” means to~~l~~:

3 (1) Apply the principles, methods, and procedures of measurement,
4 prediction, evaluation, testing, counseling, consultation, and instruction that relate to the
5 development and disorders of hearing, vestibular functions, and related language and
6 speech disorders, to prevent or modify the disorders or assist individuals in hearing and
7 auditory and related skills for communication; and~~]-USE ANY MEANS KNOWN IN THE~~
8 ~~SCIENCE OF AUDIOLOGY TO:~~

9 (i) NONMEDICALLY EVALUATE, AND TRIAGE DIAGNOSE, AND TREAT
AUDITORY OR VESTIBULAR CONDITIONS IN THE HUMAN EAR;

10 [(2)] (ii) Prescribe, order, sell, dispense, or fit hearing aids to an
11 individual for the correction or relief of a condition for which hearing aids are worn;

12 (iii) PRESCRIBE, ORDER, SELL, DISPENSE, OR EXTERNALLY FIT
13 A SOUND PROCESSOR TO AN OSSEO-INTEGRATED DEVICE FOR THE CORRECTION OR
14 RELIEF OF A CONDITION FOR WHICH OSSEO-INTEGRATED DEVICES ARE WORN; AND

15 (iv) PRESCRIBE, ORDER, SELL, DISPENSE, OR EXTERNALLY FIT
16 A SOUND PROCESSOR TO A COCHLEAR IMPLANT FOR THE CORRECTION OR RELIEF
17 OF A CONDITION FOR WHICH COCHLEAR IMPLANTS ARE WORN.

18 (2) “PRACTICE AUDIOLOGY” INCLUDES:

19 (i) THE CONDUCTING OF HEALTH SCREENINGS CONSISTENT
20 WITH AUDIOLOGY TRAINING AS REQUIRED BY THE BOARD
FOR LICENSURE;

21 (ii) THE REMOVAL OF A SUPERFICIAL FOREIGN BODY FROM
22 THE EXTERNAL AUDITORY CANAL WHICH IS NOT IMPACTED TO
THE POINT IT REQUIRES ANESTHESIA OR MICRO INSTRUMENTATION
TO REMOVE;

23 (iii) THE REMOVAL OF SUPERFICIAL CERUMEN FROM THE
24 EXTERNAL AUDITORY CANAL WHICH IS NOT IMPACTED TO THE
POINT IT REQUIRES ANESTHESIA OR MICRO INSTRUMENTATION TO
REMOVE;

25 ~~(iv) THE ORDERING OF CULTURES AND BLOODWORK TESTING;~~

26 (v) THE ORDERING AND PERFORMING OF IN-OFFICE,
27 NONINVASIVE, NONRADIOGRAPHIC SCANNING OR IMAGING OF THE EXTERNAL
AUDITORY CANAL; AND

28 ~~(vi) THE ORDERING OF RADIOGRAPHIC IMAGING.~~

(v) REFERRING PERSONS WITH AUDITORY AND VESTIBULAR
DYSFUNCTION OR ABNORMALITIES ONLY TO A PHYSICIAN, OR THAT PHYSICIAN’S PHYSICIAN
ASSISTANT OR NURSE PRACTITIONER, FOR MEDICAL EVALUATION, INCLUDING BUT NOT LIMITED
TO CULTURES, BLOODWORK, RADIOGRAPHIC IMAGING, MRI, MICROSCOPY AND MICRO
INSTRUMENTATION WHEN INDICATED BASED ON AUDIOLOGIC AND VESTIBULAR TEST RESULTS.

(VI) PRIOR TO THE PROVISION OF SERVICES NOTED ABOVE IN PARAGRAPH 2, THE INDIVIDUAL AUDIOLOGIST MUST IDENTIFY TO THE BOARD WHICH SERVICES THEY INTEND TO PROVIDE AND DEMONSTRATE PROOF OF TRAINING.

- 1 **(3) “PRACTICE AUDIOLOGY” DOES NOT INCLUDE:**
- **(i) SURGERY OR INVASIVE TECHNIQUES SUCH AS USING AN INSTRUMENT, INCLUDING A LASER, A SCALPEL, A NEEDLE, CAUTERY, A CRYOPROBE, OR A SUTURE, IN WHICH HUMAN TISSUE IS CUT, BURNED, VAPORIZED, REMOVED, OR OTHERWISE PERMANENTLY ALTERED BY MECHANICAL MEANS, LASER, IONIZING RADIATION, ULTRASOUND, OR OTHER MEANS;**
 - 2 **(ii) OSSEO-INTEGRATED DEVICE SURGERY;**
 - 3 **(iii) COCHLEAR IMPLANT SURGERY; OR**
 - **(iv) THE PREPARATION, OPERATION, OR PERFORMANCE OF RADIOGRAPHIC IMAGING.**

4 **(R-1) “SOUND PROCESSOR” MEANS A NONSURGICAL, EXTERNAL UNIT THAT**
5 **ATTACHES TO AN INTERNAL OSSEO-INTEGRATED DEVICE OR COCHLEAR IMPLANT.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2024.