



Maryland Academy of Audiology

P.O. Box 710

Parkville, MD 21234

<https://maaudiology.org/>

January 30, 2025

The Honorable Chair Joseline A. Pena-Melnyk
House Government Operations (HGO) Committee
241 House Office Building
Annapolis, Maryland 21401

RE: HB 406 State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists - Appointment of Members and Quorum

Position: **OPPOSE**

Madam Chair Pena-Melnyk, Vice Chair Cullison, and Committee Members,

On behalf of the Maryland Academy of Audiology (MAA), we strongly oppose HB 406, which seeks to amend the process for appointing audiologist members to the Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists and Music Therapists ("Board"). Specifically, HB 406 would shift the responsibility for submitting names of candidates from the Maryland Academy of Audiology (MAA) to the Board.

The Board of Examiners has repeatedly failed to submit names for vacant audiologist seats in recent years. This issue was highlighted in an open Board meeting in 2024. Additionally, when an audiology seat became vacant and the notice was sent out in January, 2024 that a seat that would become available after June 30, 2024 the Board failed to provide the required list of nominees to the Governor, as required by (then) law.

As a result, the Governor's Appointments office, represented by Curtis Antonucci, reached out to the MAA for assistance in identifying qualified candidates. Mr. Antonucci confirmed that the Board had not submitted a list, despite being required by law to do so. This failure to comply with established procedures caused unnecessary delays in filling the audiology vacancy and left the profession under-represented all the way until an appointment was made in December, 2024.



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The MAA is uniquely qualified to identify and recommend highly qualified candidates for the Board. As the professional organization representing audiologists in Maryland, the MAA has a vested interest in ensuring that the Board is composed of knowledgeable and capable members to license and discipline providers, ultimately to protect the public. Unlike the Board, which has demonstrated a lack of follow-through, the MAA has stepped in to fulfill this critical role when needed.

Because of the lack of timely submittal of the audiology seat nominees in 2023 and as proven again in 2024, this committee unanimously passed Delegate Kerr's bill, HB 1476, that allowed the MAA to submit names directly to the Governor.

The Board of Examiners should continue to notify all licensed audiologists of vacancies, but it should not be tasked with submitting names. The Board's history of noncompliance with this requirement has already demonstrated its inability to manage this responsibility effectively. Retaining the MAA's role in submitting names ensures accountability and avoids further delays in the appointment process.

The 2024 legislative changes have not been given adequate time to demonstrate their effectiveness. The MAA has proven its ability to step in when the Board has failed, and the new process addresses longstanding issues that HB 406 seeks to ignore.

Furthermore, the ear, nose, and throat (ENT) surgeons, who should not have representation on the Board, even as non-voting members, had their section of the law under H.O. Section 2-202(3) removed in this bill. They submit their recommendations directly to the Governor.

Finally, Appendix A highlights the fact that out of 19 other Health Occupation Boards, 10 submit the nominee names from their respective professional associations directly to the Governor. This bill goes backwards and against the majority of all other Health Occupation boards.

At best, there should be a wholesale review by the Department to seek uniformity of the appointment process and notifications and not adopt a piecemeal approach that does a disservice by not having the most qualified audiologists appointed timely to the Board to protect your constituents.

Finally, the proposed language on page 3, line 9-12, will change the quorum requirements to a simple majority of those appointed and attending. The MAA strongly opposes this change. With four different professions on this Board, there currently must be at least one voting member from each profession in attendance. The proposed language would mean that



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one of the professions could have no representation at a critical board meeting that affects how their profession operates and would have no say if the Board moves forward without their specialized input. This is a bad precedent to set and should be rejected due of the unique makeup of this Board. Should the legislature wish to create a separate Board of Audiology, the MAA would support that initiative.

I respectfully urge the General Assembly to reject HB 406 and allow the current system to remain in place that you voted for last year, giving the MAA the opportunity to fulfill its responsibilities.

A handwritten signature in black ink that reads "Alicia D.D. Spoor, Au.D." The signature is written in a cursive, flowing style.

Alicia D.D. Spoor, Au.D.
Legislative Chair, Maryland Academy of Audiology

CC: Members of the HGO Committee
Gil Genn, Esq.

Appendix A

Board of Chiropractic & Massage Therapy Examiners¹

(3)(i) The Governor shall appoint the chiropractor members, with the advice of the Secretary, and with the advice and consent of the Senate, from a list of qualified individuals submitted to the Governor by the **Maryland Chiropractic Association**.

Board of Nursing²

(b)(1) The Governor shall appoint: (i) The advanced practice registered nurse members, with the advice of the Secretary, from a list of qualified individuals jointly developed in accordance with the requirements of subsection (a)(3)(i) of this section and submitted to the Secretary and the Governor by the: **1. Maryland Association of Nurse Anesthetists, Inc.; 2. Nurse Practitioners Association of Maryland, Inc.; 3. Maryland Academy of Advanced Practice Clinicians; 4. Maryland Chapter, American College of Nurse-Midwives; and . Psychiatric Advance Practice Nurses of Maryland**; and (ii) The other registered nurse members, with the advice of the Secretary, from: 1. A list of qualified individuals submitted to the Secretary and the Governor by: **A. The Maryland Nurses Association, Inc.; or B. Any other professional nursing organization that represents at least 25 licensed registered nurses**; or 2. A valid petition submitted to the Secretary and the Governor by a registered nurse with an active license under this title. (2) The Governor shall appoint the licensed practical nurse members, with the advice of the Secretary, from: (i) A list of qualified individuals submitted to the Secretary and the Governor by: **1. The Maryland Licensed Practical Nurse Association, Inc.; or 2. Any other professional nursing organization representing at least 25 licensed practical nurses**; or (ii) A valid petition submitted to the Secretary and the Governor by a licensed practical nurse with an active license under this title. (3) A list submitted to the Secretary and the Governor under this subsection shall be 5 times the number of vacancies. (4) A petition submitted to the Secretary and the Governor under this subsection shall: (i) For a registered nurse member vacancy, have at least 25 signatures of support from registered nurses with active licenses in the State; (ii) For an advanced practice registered nurse member vacancy, have at least 25 signatures of support from advanced practice registered nurses with active licenses in the State; and (iii) For a licensed practical nurse member vacancy, have at least 25 signatures of support from licensed practical nurses with active licenses in the State. (5) The Board shall provide notice of a vacancy on the Board to: (i) All registered nurses, advanced practice registered nurses, and licensed practical nurses with an active license in the State; and (ii) All appropriate professional nursing organizations. (6) The Governor may request an additional list of 5 nominees for each vacancy

¹ <https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gho§ion=3-202&enactments=False&archived=False>

² <https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gho§ion=8-202&enactments=false>

from the appropriate professional nursing organizations. (7) The Governor shall make the appointment for each vacancy from the lists or petitions submitted under this subsection. (8) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate. (9) To the extent practicable, the members appointed to the Board shall reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

Board of Occupational Therapy Practice³

...from a list of names submitted to the Secretary and the Governor **by the Maryland Occupational Therapy Association**

Board of Optometry⁴

(3) The Governor appoints the optometrist members with the advice of the Secretary of the Department of Health from a list submitted to the Secretary **by the Maryland Optometric Association.**

Board of Pharmacy⁵

The Governor shall appoint the chain store pharmacist members, with the advice of the Secretary, **from a list of names submitted to the Secretary and the Governor by the Maryland Association of Chain Drug Stores.** The Governor shall appoint the independent pharmacist members, with the advice of the Secretary, from a list of names submitted to the Secretary and the Governor **by the Maryland Pharmacists Association and the Maryland Pharmaceutical Society.** The Governor shall appoint the acute-care hospital pharmacist members, with the advice of the Secretary, from a list of names submitted to the Secretary and the Governor **by the Maryland Society of Health-System Pharmacists.** The Governor shall appoint the long-term care facility pharmacist member, with the advice of the Secretary, from a list of names submitted to the Secretary and the Governor by the **Maryland Chapter of the American Society of Consultant Pharmacists.** The Governor shall appoint the home infusion/home care pharmacist member, with the advice of the Secretary, from a list of names submitted to the Secretary and the Governor **by the Maryland Society of Health-System Pharmacists.** The Governor shall appoint the at-large pharmacist members, with the advice of the Secretary, from a list of all names submitted to the **Maryland Pharmacists Association** and then forwarded to the Secretary and the Governor. The Governor shall appoint the registered pharmacy technician

³ <https://health.maryland.gov/botp/docs/comar/1-20.pdf>

⁴ <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gho§ion=11-202&enactments=False&archived=False>

⁵ <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gho§ion=12-202&enactments=False>

member, with the advice of the Secretary, from a list of all names submitted to the Secretary and the Governor **by the Maryland Society of Health–System Pharmacists and the Maryland Pharmacists Association.**

Board of Physical Therapy Examiners⁶

The American Physical Therapy Association (APTA) of Maryland has been asked by the Governor's Appointment Office (GAO) to nominate physical therapists and physical therapist assistants who are engaged in the profession of physical therapy in this State, have at least 5 years of experience, are diverse, energetic, enthusiastic, looking to bring their professional expertise to support the work the Board does, and can meet the time commitment to serve. The Governor shall appoint the licensed physical therapist members and the licensed physical therapist assistant member, with the advice of the Secretary, from a list of names of qualified individuals submitted to the Secretary and the Governor **by the American Physical Therapy Association of Maryland.** The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

Board of Podiatric Medical Examiners⁷

The Governor shall appoint the podiatrist members, with the advice of the Secretary, from a list of names **submitted by the Maryland Podiatric Medical Association.**

Board of Professional Counselors and Therapists⁸

The Governor shall appoint the counselors and therapists from a list submitted to the Governor by the Secretary. **Any association representing professional counselors, marriage and family therapists, alcohol and drug counselors, or professional art therapists may submit recommendations for Board members to the Secretary.**

Board of Psychologists⁹

(3) The Governor shall appoint the psychologist members, with the advice of the Secretary and the advice and consent of the Senate, from a list of names submitted to the Secretary **by the Maryland Psychological Association.**

⁶ <https://health.maryland.gov/bphte/Pages/about.aspx>

⁷ <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gho§ion=16-202&enactments=False&archived=False>

⁸ <https://health.maryland.gov/bopc/pdfs/Statue/172.pdf>

⁹ https://mgaleg.maryland.gov/2024RS/Statute_Web/gho/18-202.pdf



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Board of Social Work Examiners¹⁰

Candidates for the Board are selected from a list of nominees containing names submitted by: Professional social work associations in the State; Any person who provides a statement of nomination signed by at least 15 social workers licensed in the State; or The secretaries of public agencies of the State where social workers are employed.

¹⁰ <https://health.maryland.gov/bswe/Documents/Regs/subtitle2-SocialWorkExaminers-2021.pdf>