

MARYLAND REGISTER

## Proposed Action on Regulations

**Date Filed with AELR Committee**

June 09, 2023

**Date Filed with Division of State Documents**

**Document Number**

23-138-P

**Date of Publication in MD Register**

**1. Desired date of publication in Maryland Register: July 14, 2023**

**2. COMAR Codification**

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
10	41	01	01
10	41	01	02
10	41	01	03
10	41	01	04
10	41	02	01
10	41	02	02
10	41	02	04
10	41	03	02
10	41	03	03
10	41	03	05
10	41	03	06
10	41	04	01
10	41	04	02
10	41	04	06
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10	41	05	02
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10	41	08	01-1
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10	41	11	04
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10	41	11	07
10	41	11	08
10	41	11	09
10	41	11	10
10	41	13	02
10	41	13	04

### **3. Promulgating Authority**

Maryland Department of Health

### **4. Name of Regulations Coordinator**

Jourdan Green

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410-767-6499

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**5. Name of Person to Call About this Document**

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**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval

**7. Is there Emergency text that is identical to this Proposal:**

Yes  No

**8. Incorporation by Reference**

Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council

### **11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Bethan Haaga, Assistant Attorney General, telephone #410-767-6935, on October 16, 2020. A written copy of the approval is on file at this agency.

#### **Name of Authorized Officer**

Laura Herrera Scott

#### **Title**

Secretary of Health

#### **Telephone No.**

410-767-6500

#### **Date**

May 19, 2023

## **Title 10**

### **MARYLAND DEPARTMENT OF HEALTH**

#### **Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH LANGUAGE PATHOLOGISTS**

**10.41.01 Collection of Fees**

**10.41.02 Code of Ethics**

**10.41.03 Licensure and Continuing Education**

**10.41.04 Rules of Procedure for Board Hearings**

**10.41.05 Music Therapy**

**10.41.08 Hearing Aid Dispensers**

**10.41.09 Civil Penalties**

**10.41.11 Speech-Language Pathology Assistants**

**10.41.13 Sanctioning Guidelines**

Authority: See proposal

**Notice of Proposed Action**

The Secretary of Health proposes to:

- (1) Amend Regulations .01—.04 under COMAR 10.41.01 Collection of Fees;
- (2) Amend Regulations .01, .02, and .04 under COMAR 10.41.02 Code of Ethics;
- (3) Amend Regulations .02, .03, .05, and .06 under COMAR 10.41.03 Licensure and Continuing Education;
- (4) Amend Regulations .01, .02, .06, and .08 under COMAR 10.41.04 Rules of Procedure for Board Hearings;
- (5) Adopt new Regulations .01—.07 under a new chapter COMAR 10.41.05 Music Therapy;
- (6) Amend Regulations .01-1, .02, .06, .08, .11, and .12, and adopt new Regulation .14 under COMAR 10.41.08 Hearing Aid Dispensers;
- (7) Amend Regulation .02 under COMAR 10.41.09 Civil Penalties;
- (8) Amend Regulations .01, .02, and .05—.07, repeal Regulation .03, adopt new Regulation .04, amend and recodify Regulations .04, .08, and .09 to be .03, .09, and .10, respectively, and recodify Regulation .10 to be .08 under COMAR 10.41.11 Speech-Language Pathology Assistants;
- (9) Amend Regulations .02 and .04 under COMAR 10.41.13 Sanctioning Guidelines.

This action was considered by the Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists at public meetings held on October 15, 2020, October 21, 2021, and March 17, 2022, notice of which was given by publication on the Board’s website at Pages - Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists (maryland.gov) pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

- The purpose of this action is to:
- (1) Add audiology assistants to this subtitle pursuant to Chs. 713 and 714, Acts of 2021;
  - (2) Add music therapists to this subtitle pursuant to Ch. 800, Acts of 2021;
  - (3) Provide a new fee for The Audiology and Speech-Language Pathology Interstate Compact pursuant to Ch. 158, Acts of 2021;
  - (4) Add a music therapists roster fee;
  - (5) Remove the incorrect term “temporary” speech-language pathology assistant license and replace it with the proper term of “limited” as set forth under Health Occupations Article, §2-310, Annotated Code of Maryland;
  - (6) Add cultural competence and non-discrimination language for licensees pursuant to Ch. 428, Acts of 2020;
  - (7) Update and clarify licensure requirements;
  - (8) Add a provision for new criminal history background checks every 6 years;
  - (9) Update and clarify continuing education requirements;
  - (10) Add license reactivation requirements to the regulations;
  - (11) Clarify and define testing procedures and standards for hearing aid dispensers;
  - (12) Update sanctions and penalties to remove obsolete categories; and
  - (13) Remove obsolete language throughout the subtitle.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The new application and certification for the Certification Board of Music Therapists is expected to increase the Board's revenue by \$23,850.

**II. Types of Economic Impact.**

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
<b>A. On Issuing agency:</b>		
(1) Music therapist license	(R+)	\$23,850
(2) Audiology assistant license	(R+)	Indeterminable
(3) Compact privilege	(R+)	Indeterminable
(4) Music therapists roster fee	(R-)	Indeterminable
<b>B. On other state agencies:</b>		
	NONE	
<b>C. On local governments:</b>		
	NONE	
	Benefit (+)	
	Cost (-)	Magnitude

D. On regulated industries or trade groups:

(1) Music therapist license	(-)	\$23,850
(2) Audiology assistant license	(-)	Indeterminable
(3) Compact privilege	(-)	Indeterminable
(4) Music therapists roster fee	(-)	Indeterminable

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A(1). (1) Due to the fact that licensure for music therapists has not existed previously, the applicant must first be certified with the Certification Board of Music Therapists. There are currently 159 certified music therapists in Maryland. Therefore, the Board projects that all 159 Therapists will apply for licensure. The licensing fee is \$150, so  $\$150 \times 159 = \$23,850$ .

A(2). (2) Audiology assistants have never been licensed so there is no available data to estimate how many individuals will apply for this credential.

A(3). (3) The compact privilege is new to this Board and there is no available data to reliably estimate the number of applications.

A(4). (4) Music therapists are new to this Board and there is no available data to reliably estimate the number of roster requests.

D(1). (1) The currently certified music therapists have never paid licensing fees, so therefore this will be a new cost for those licensees. The licensing fee is \$150, so  $\$150 \times 159 = \$23,850$ .

D(2). (2) See A.(2)

D(3). (3) See A.(3)

D(4). (4) See A.(4)

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 TTY: 800-735-2258, or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov). Comments will be accepted through August 14, 2023. A public hearing has not been scheduled.

LAURA HERRERA SCOTT  
Secretary of Health

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: **FY 2024**

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

**No**

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

**undefined**

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

N/A

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

**These regulations do not affect small businesses.**

G. Small Business Worksheet:

N/A

## Title 10

# MARYLAND DEPARTMENT OF HEALTH

### Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, [AND] SPEECH-LANGUAGE PATHOLOGISTS, AND *MUSIC THERAPISTS*

#### 10.41.01 Collection of Fees

Authority: Health Occupations Article, §§2-205 and 2-206, Annotated Code of Maryland

##### **.01 Scope.**

This chapter governs all persons licensed as audiologists, *audiology assistants*, hearing aid dispensers, speech-language pathologists, [or] speech-language pathology assistants, *and music therapists* in the State.

##### **.02 Fees.**

- A. Application fee for full audiology, [or] speech-language pathology, *or music therapy* license ... \$150
- B.—G. (text unchanged)
- H. *Application fee for Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) privileges...* \$100
- [H.] I.—[K.] L. (text unchanged)
- [L.] M. [Replacement] *Physical copy* of registration certificate ... \$5
- [M.] N. [Replacement] *Physical copy* of wall certificate ... \$25
- [N.] O. Application fee for full speech-language pathology assistant *or audiology assistant* license ... \$100
- [O.] P. Application fee for [temporary] *limited* speech-language pathology assistant license ... \$100
- [P.] Q. Biennial renewal of full speech-language pathology assistant *or audiology assistant* license fee ... \$100
- [Q.] R. Renewal of [temporary] *limited* speech-language pathology assistant license fee ... \$25
- [R.] S.—V.] W. (text unchanged)
- X. *Music therapists roster fee* ... \$55
- [W.] Y. — [X.] Z. (text unchanged)

##### **.03 Changes in Fees.**

A. Fees are subject to change by action of the [Boards of Examiners] *Board*. All licensees and applicants will be notified of changes.

B. Application forms should be requested from[:] *the Board of Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, and Music Therapists* [Maryland Department of Health, 4201 Patterson Avenue, Baltimore, MD 21215-2299].

##### **.04 Fee Exceptions.**

An audiologist, hearing aid dispenser, [or] speech-language pathologist, *or music therapist* who holds a current license is exempt from paying the license verification fee.

#### 10.41.02 Code of Ethics

Authority: Health Occupations Article, §§1-212, 2-205 and 2-314, Annotated Code of Maryland

##### **.01 Scope.**

This chapter governs individuals licensed as audiologists, *audiology assistants*, hearing aid dispensers, speech-language pathologists, [or] speech-language pathology assistants, *and music therapists* in the State.

##### **.02 Ethical Responsibilities.**

- A.—B. (text unchanged)
- C. Professional Conduct.

(1)—(6) (text unchanged)

(7) *Licensees may not refuse to treat based upon:*

- (a) *Race;*
- (b) *Religion;*
- (c) *Color;*
- (d) *Age;*
- (e) *National origin;*
- (f) *Marital status;*
- (g) *Sexual orientation;*
- (h) *Gender identity; or*
- (i) *Disability.*

D.—E. (text unchanged)

F. **Sexual Misconduct.**

(1) An audiologist, *audiology assistant*, hearing aid dispenser, speech-language pathologist, [or] speech-language pathology assistant, *or music therapist* may not engage in sexual misconduct in the practice of audiology, hearing aid dispensing, [or] speech-language pathology, *or music therapy*.

(2) (text unchanged)

G. **Penalties.** Violation of Regulation .02 may result in Board action to reprimand the licensee, place the licensee on probation, or suspend or revoke the licensee's license. The Board may also impose a penalty not exceeding [\$1,000] \$5,000.

#### **.04 Special Responsibilities.**

A.—D. (text unchanged)

E. [The licensee may not discriminate on the basis of race, religion, gender, age, national origin, sexual orientation, or handicapping condition in] *In the licensee's professional relationships with colleagues or individuals served professionally[.], the licensee may not discriminate on the basis of:*

- (1) *Race;*
- (2) *Religion;*
- (3) *Color;*
- (4) *Age;*
- (5) *National origin;*
- (6) *Marital status;*
- (7) *Sexual orientation;*
- (8) *Gender identity; or*
- (9) *Disability.*

F.—G. (text unchanged)

H. The licensee shall [maintain]:

(1) *Maintain adequate records of professional services rendered and products dispensed, [and shall allow access to these records when appropriately authorized.] that include:*

- (a) *A full written report outlining all diagnostic results and any recommendations;*
- (b) *Daily therapy notes such as Subjective, Objective, Assessment, and Plan (SOAP) log notes;*
- (c) *License number on written client reports and evaluations;*
- (d) *Progress reports; and*
- (e) *All documents related to referrals; and*

(2) *Allow access to these records when appropriately authorized.*

I.—L. (text unchanged)

### **10.41.03 Licensure and Continuing Education**

Authority: Health Occupations Article, §§2-205, 2-302, 2-302.2, 2-304, 2-305, 2-308, 2-310, 2-310.2, 2-311(c), 2-312 (b), 2-314(11), and 2-314.9, Annotated Code of Maryland

#### **.02 Definitions.**

A. (text unchanged)

B. **Terms Defined.**

(1) (text unchanged)

(2) "Board" means the Board of Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists.*

(3)—(7) (text unchanged)

#### **.03 [Requirements for] Licensure Requirements.**

A. **Limited Licensure.**

(1) (text unchanged)

(2) An individual seeking limited licensure shall fulfill the following requirements:

(a)—(b) (text unchanged)

(c) **Demonstrate oral English competency as follows:**

(i) (text unchanged)



(ii) Achievement of a minimum score [as defined by the Board] of 105, with at least a 26 on Speaking and Listening, on the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

(3)—(4) (text unchanged)

B. Supervision of Professional Experience for Audiologists.

(1)—(3) (text unchanged)

(4) At least 80 percent of the applicant's employment during the clinical training shall be in direct client contact which includes:

(a) (text unchanged)

(b) Screening, *Response to Intervention (RTI)*, or observations of clients;

(c) [Habilitation/rehabilitation; and] *Treatment, such as:*

(i) *Hearing device fitting;*

(ii) *Diagnostic assessment; and*

(iii) *Rehabilitation; and*

(d) Activities related to client management[.], including:

(i) *Writing reports and notes;*

(ii) *Billing;*

(iii) *Making rounds; and*

(iv) *Attendance at an Individualized Education Program (IEP), Individualized Family Service Plan (IFSP) meeting, or other meetings related to the management of a client's diagnosis and treatment plan.*

(5)—(8) (text unchanged)

[9] Individuals granted an audiology limited license before July 31, 2007:

(a) Are exempt from the on-site direct supervision and may follow the initial supervision plan submitted with the application for the limited license; and

(b) Shall follow the current hours per week, hours per period, or both, to complete the limited license, although the Board may review and determine if an exemption should be made on an individual basis.

(10) If a limited license is eligible to be renewed after September 30, 2007, the licensee is no longer exempt from any of the current standards.]

C. Supervision of [Professional Experience] *Clinical Fellowship* for Speech Pathologists.

(1)—(3) (text unchanged)

(4) At least 80 percent of the applicant's employment during the clinical fellowship shall be in direct client contact, which includes:

(a) (text unchanged)

(b) Screening, *Response to Intervention (RTI)*, or observations of clients;

(c) [Habilitation/rehabilitation; and] *Treatment, such as:*

(i) *Diagnostic assessment; and*

(ii) *Rehabilitation; and*

(d) Activities related to client management[.], including:

(i) *Writing reports and notes;*

(ii) *Billing;*

(iii) *Making rounds; and*

(iv) *Attendance at an Individualized Education Program (IEP), Individualized Family Service Plan (IFSP) meeting, or other meetings related to the management of a client's diagnosis and treatment plan.*

(5) An individual serving as a supervisor:

(a)—(d) (text unchanged)

(e) Shall provide a minimum of [36 hours] *4 hours per month for at least 9 months* of supervisory activities during the clinical fellowship to include a minimum of 2 hours of other monitoring activities each month.

(6)—(8) (text unchanged)

D. Full Licensure.

(1) Licensure Requirements for Audiologists.

(a)—(c) (text unchanged)

(d) The applicant shall demonstrate oral English competency as follows:

(i) (text unchanged)

(ii) Achievement of a minimum score [as defined by the Board] of 105, with at least a 26 on Speaking and Listening, on the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

(2)—(3) (text unchanged)

(4) Licensure Requirements for Speech-Language Pathologists.

(a)—(c) (text unchanged)

(d) The applicant shall demonstrate oral English competency as follows:

(i) (text unchanged)

(ii) Achievement of a minimum score [as defined by the Board] of 105, with at least a 26 on Speaking and Listening, the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

(5) (text unchanged)

**.05 Renewal of Licensure.**

A. (text unchanged)

B. Full Licensure.

(1) (text unchanged)

(2) The applicant for license renewal is required to [maintain]:

(a) *Maintain* evidence of satisfactory completion of continuing education requirements[.]; and

(b) *For an audiologist or hearing aid dispenser, submit proof of calibration for each audiometer in use within the previous 12-month period.*

(3) (text unchanged)

(4) *A licensee shall undergo a new criminal records history check as set forth in Health Occupations Article, §2-303.1, Annotated Code of Maryland, every 3 renewal cycles or every 6 years.*

C. (text unchanged)

D. If the Board determines that a licensee has practiced in this State after the license has expired, the Board may:

(1) (text unchanged)

(2) Take action as follows against a licensee for unprofessional conduct if it determines that the licensee practiced in this State after the license has expired:

[(a) Issue a nonpublic consent agreement in which the licensee agrees to make an anonymous donation of \$250 to a charitable institution and to perform 40 hours of Board-approved pro bono services;]

[(b)] (a)—[(c)] (b) (text unchanged)

**.06 Continuing Education.**

A. Required Continuing Education Units.

(1) Within the 2-year renewal period immediately preceding the licensee's application for renewal, the licensee shall earn 30 continuing education units (CEUs) as follows:

(a) A minimum of 20 CEUs in the area of licensure[; and] *that includes a minimum of 1 CEU in each of the following areas:*

(i) *Cultural competency; and*

(ii) *Ethics;*

(b) No more than 10 CEUs in areas related to speech-language pathology or audiology or both, including practice management[.] *that includes:*

(i) *Supervision;*

(ii) *Billing; and*

(iii) *Interdisciplinary collaboration; and*

(c) *Related training that does not include annual training requirements for:*

(i) *Job orientation;*

(ii) *Job maintenance; or*

(iii) *Other general training or information related to human health.*

(2) *It is recommended that a licensee applying for the renewal of a license successfully complete, within the 2-year licensing period as a part of the required 30 hours of Board-approved continuing education programs, a minimum of 2 CEUs in the area of supervision.*

[(2)] (3) Within the 2-year renewal period immediately preceding the licensee's application for renewal, an individual licensed as both an audiologist and a speech-language pathologist shall earn 40 CEUs as follows:

(a) A minimum of 15 CEUs in each area of licensure[; and] *that includes a minimum of 1 CEU in each of the following areas:*

(i) *Cultural competency; and*

(ii) *Ethics;*

(b) No more than 10 CEUs in areas related to speech-language pathology and audiology, including practice management[.] *that includes:*

(i) *Supervision;*

(ii) *Billing; and*

(iii) *Interdisciplinary collaboration; and*

(c) *Related training that does not include annual training requirements for:*

(i) *Job orientation;*

(ii) *Job maintenance; or*

(iii) *Other general training or information related to human health.*

(4) *It is recommended that a licensee applying for the renewal of a license successfully complete, within the 2-year licensing period as a part of the required 30 hours of Board-approved continuing education programs, a minimum of 2 CEUs in the area of supervision.*

[(3)] (5) (text unchanged)

B. Time Period for CEUs.

(1) (text unchanged)

(2) A speech-language pathologist licensee shall complete the required CEUs within the 2-year period [ending December 31 of the year] *immediately preceding the [renewal year] license expiration.*

(3) An individual licensed as both an audiologist and a speech-language pathologist shall complete the required CEUs within the 2-year period [ending December 31st of the year] *immediately preceding [renewal] the license expiration.*

(4)—(9) (text unchanged)

C. Approval of Continuing Education Programs.

(1) (text unchanged)

(2) Providers of continuing education shall give a participant a certificate of completion which includes the following information:

(a) (text unchanged)

(b) [Description of program] *Course title;*

(c)—(e) (text unchanged)

(3) Not later than 30 days before a program, a provider of continuing education shall submit to the Board a [request]:

(a) *Request for [prior] approval of the program, using the form available on the Board's website; and*

(b) *Biography for each course presenter.*

(4) Individual Approval of Program.

(a) If a provider has not requested prior approval of a program, a licensee may apply to the Board for approval of continuing education units for the program, *using the approved form available on the Board's website.*

(b) Not later than 30 days [before] *after* a program, the licensee shall submit to the Board a request for approval of continuing education units for individual participation, *using the approved form available on the Board's website.*

(c) (text unchanged)

(5) The following are examples of areas in which CEUs may be earned in activities concerning speech-language pathology and audiology:

(a) Academic course work in areas of speech-language pathology or audiology, or both, or related disciplines, taken at accredited colleges or universities *where, along with the submission of an unofficial transcript and course description:*

(i) *15 CEU credit hours will be awarded for each 3 credit course earned;*

(ii) *10 CEU credit hours will be awarded for each 2 credit course earned; or*

(iii) *5 CEU credit hours will be awarded for each 1 credit course earned;*

(b) (text unchanged)

(c) [Presentation or attendance] *Attendance* at lectures, workshops, or [inservice] *in-service* programs;

(d) Other professional activities such as *presentations, books, papers, or publications, [or audiovisual materials; or]*

*where:*

(i) *1 hour of CEU credit may be earned by the presenter for each hour of presentation of a program, with a maximum of 3 CEUs;*

(ii) *10 hours of CEU credit may be earned for a professional or scientific paper prepared by the licensee or certificate holder, with a maximum per paper of 10 CEUs for the first author, 8 CEUs for the second author, 6 CEUs for the third author, and 4 CEUs for all other authors;*

(iii) *Authoring of a book chapter may earn a maximum of 10 CEUs, only in the year of publication; and*

(iv) *Editing or reviewing of a scientific or professional journal recognized by the Board, with a maximum of 8 CEUs for each year of service;*

(e) (text unchanged)

(6) (text unchanged)

(7) Pro Bono Work.

(a) CEUs may be earned for pro bono work *performed outside of a place of employment* at the rate of 1 Maryland CEU [for every 8 hours] *per hour* of Board-approved CEU activity, up to a maximum of [3] *10* CEU credits in any single 2-year period.

(b)—(e) (text unchanged)

D. Documentation of CEUs.

(1) A licensee shall submit a signed form *to the Board via mail or by electronic means* attesting to the licensee's completion of the required CEUs at the time of license renewal.

(2)—(4) (text unchanged)

E. Continuing Education Audit Procedures.

(1)—(3) (text unchanged)

(4) The licensee being audited shall submit to the Board [a report] *official certificates or transcripts via mail or by electronic means, showing evidence* of the continuing education hours required for renewal [on a form approved by the Board along with the appropriate documentation] *by the date indicated on the audit notification.*

(5) [If a licensee submits a false statement of continuing education the] *The Board may take formal disciplinary action against the licensee[.], if the licensee:*

(a) *Submits a false statement of continuing education; or*

(b) *Fails to submit the required documents by the date indicated on an audit notification.*

F. Reactivation.

(1) *If a license has been in an inactive status for no more than three 2-year renewal cycles of inactivity, the licensee may apply for reactivation of the inactive license.*

(2) *The Board shall reactivate the license if the speech-pathologist or audiologist:*

(a) Submits to the Board satisfactory proof of completion of at least 30 hours of CEU activity for every 2-year cycle of inactivity; and

(b) Pays to the Board the renewal fee and the reactivation fee set by the Board.

[F.] G. Reinstatement Requirement.

(1) (text unchanged)

(2) The Board shall reinstate the license if the speech-language pathologist or audiologist:

(a) Submits to the Board satisfactory proof of completion of [continuing education hours required of a practitioner on active status during the period] *at least 30 hours of CEU activity for every 2-year cycle* of inactivity; and

(b) (text unchanged)

[G.] H. Reapplication Requirement.

(1) (text unchanged)

(2) The speech-language pathologist or audiologist whose license has been expired for more than 5 years may become licensed if the speech-language pathologist or audiologist:

(a) (text unchanged)

(b) Submits to the Board satisfactory proof of completion of [continuing education hours required of a practitioner on active status during the period] *at least 30 hours of CEU activity for every 2-year cycle* of inactivity, not to exceed 100 hours; and

(c) (text unchanged)

## 10.41.04 Rules of Procedure for Board Hearings

Authority: Health Occupations Article, §§2-205, 2-313, and 2-315; State Government Article §10-206; Annotated Code of Maryland

### .01 Scope.

This chapter governs procedures for disciplinary matters and hearings before the State Board of Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists*.

### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) "Board" means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists*.

(5)—(6) (text unchanged)

(7) "Cease and desist letter" means an informal action consisting of a nonpublic letter issued by the Board ordering:

(a) (text unchanged)

(b) An unlicensed individual to cease the unauthorized practice of audiology, hearing aid dispensing, [or] speech-language pathology, *or music therapy*.

(8) "Charging document" means a nonpublic document issued by the Board which:

(a) Alleges conduct by a licensee which the Board believes constitutes a violation under the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists* Act;

(b) Sets forth provisions of the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists* Act that the Board believes were violated; and

(c) (text unchanged)

(9) "Complaint" means a written allegation or other information received by the Board that a licensee may have violated the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists* Act and which may be grounds for an investigation or disciplinary action by the Board.

(10)—(15) (text unchanged)

(16) "Investigation" means the gathering of information to assist the Board in determining if there is reasonable cause to charge a licensee with a violation of the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists* Act.

(17) Letter of Admonishment.

(a) "Letter of admonishment" means informal action consisting of a nonpublic letter issued by the Board closing a case, if the Board believes a licensee has engaged in conduct that violates the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists* Act, admonishing the licensee not to repeat the conduct.

(b) (text unchanged)

(18) "Letter of education" means informal action consisting of a nonpublic letter to a licensee:

(a) Issued by the Board if the Board does not believe that conduct rose to the level of a violation of the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists* Act; and

(b) In which the Board educates the licensee concerning the laws and standards of the practice of audiology, hearing aid dispensing, [or] speech-language pathology, *or music therapy*.

(19) Letter of Surrender.

(a) "Letter of surrender" means a public letter accepted by the Board in which the licensee agrees to surrender the license to practice audiology, hearing aid dispensing, [or] speech-language pathology, *or music therapy*.

(b) (text unchanged)

(20) "Licensure" means permission to engage in the practice of audiology, hearing aid dispensing, [or] speech-language pathology, *or music therapy* which is evidenced by a license issued by the Board.

(21) "Maryland Audiologists, Hearing Aid Dispensers, [and] Speech Language Pathologists, *and Music Therapists Act*" means Health Occupations Article, Title 2, Annotated Code of Maryland.

(22)—(24) (text unchanged)

(25) "Preliminary investigation" means the gathering of information to be used by the Board to determine if the Board should dismiss a complaint or conduct further investigation to determine if there is reasonable cause to charge a licensee with a violation of the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists Act*.

(26) (text unchanged)

(27) "Prohibited act" means conduct specified in the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists Act* which may result in sanctions or penalties.

(28)—(30) (text unchanged)

(31) "Respondent" means a licensee, subject to the jurisdiction of the Board, that has been:

(a) Given notice to answer allegations concerning violations of the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists Act*;

(b)—(c) (text unchanged)

(32) "Revocation" means the removal of an audiologist's, hearing aid dispenser's, [or] speech-language pathologist's, *or music therapist's* license to practice audiology, hearing aid dispensing, [or] speech-language pathology, *or music therapy*.

(33)—(36) (text unchanged)

(37) "Surrender" means the voluntary relinquishing of a license to practice audiology, hearing aid dispensing, [or] speech-language pathology, *or music therapy* that may be subject to certain conditions set by the Board.

(38)—(39) (text unchanged)

#### **.06 Sanctions, Hearings, and Final Order.**

##### **A. Surrender of License.**

(1) The Board may require conditions for surrender of a license, including:

(a) An admission of a violation of the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists Act*;

(b)—(f) (text unchanged)

(2) (text unchanged)

##### **B. (text unchanged)**

##### **C. Burden of Proof.**

(1) (text unchanged)

(2) The administrative prosecutor has the burden to demonstrate by a preponderance of the evidence that the licensee has committed a violation or violations of the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists Act*.

##### **D. (text unchanged)**

##### **E. Board Final Decision and Order.**

(1) (text unchanged)

(2) Upon a finding that there has been a violation of the Maryland Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists Act*, the Board may order that the licensee be fined, reprimanded, placed on probation, or the license suspended or revoked.

#### **.08 Probation and Violation of Probation Proceedings.**

A. If the Board imposes a period of probation as a sanction, the Board may impose conditions of probation which the Board considers appropriate, including but not limited to:

(1)—(2) (text unchanged)

(3) Providing free audiology, hearing aid dispensing, [or] speech-language pathology, *or music therapy* services in a Board-approved program;

(4)—(11) (text unchanged)

B.—G. (text unchanged)

### **10.41.05 Music Therapy**

*Authority: Health Occupations Article, §§2-101, 2-201, 2-202(a), 2-206(a) and (d)(2), 2-501, and 2-4A-01—2-4A-25, Annotated Code of Maryland*

#### **.01 Scope.**

*This chapter governs all persons licensed as music therapists in the State.*

#### **.02 Definitions.**

A. *In this chapter, the following terms have the meanings indicated.*

##### **B. Terms Defined.**

(1) "Board" means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, *and Music Therapists*.

(2) "CBMT certified" means a music therapist who:

(a) *Is currently certified by the Certification Board for Music Therapists; and*  
(b) *Has completed the educational and clinical training requirements established by the American Music Therapy Association.*

(3) *“Individualized music therapy treatment plan” means a music therapy treatment plan for a client that identifies the goals, objectives, and potential strategies for the music therapy services appropriate for the client using music therapy interventions, including:*

- (a) *Music improvisation;*
- (b) *Receptive music listening;*
- (c) *Songwriting;*
- (d) *Lyric discussion;*
- (e) *Music and imagery;*
- (f) *Music performance;*
- (g) *Learning through music; and*
- (h) *Movement to music.*

(4) *“Licensed professional music therapist” means an individual who is licensed by the Board to engage in the practice of music therapy.*

(5) *“Practice of music therapy” has the meaning stated in Health Occupations Article, §2-4A-01, Annotated Code of Maryland.*

### **.03 Licensure Requirements.**

A. *To qualify for a license, an applicant shall be an individual who meets the requirements of this **section**.*

B. *The applicant shall:*

- (1) *Be of good moral character;*
- (2) *Be at least 18 years old;*
- (3) *Be a CBMT certified music therapist;*
- (4) *Provide proof of:*

(a) *Passing the examination for certification offered by the Certification Board for Music Therapists (CBMT) or any successor organization approved by the Board; or*

(b) *Being transitioned into Board licensure and that the applicant is currently a CBMT certified music therapist;*

(5) *Hold a bachelor’s degree or higher in music therapy, or its equivalent, including clinical training, from an educational program that is:*

(a) *Approved by the American Music Therapy Association or any successor organization; and*

(b) *Within an accredited college or university;*

(6) *Be in good standing based on a review of the applicant’s music therapy licensure, certification, or registration history in other jurisdictions, including a review of any disciplinary actions in the practice of music therapy; and*

(7) *Meet any other requirements established by the Board.*

C. *To apply for a license, an applicant shall:*

(1) *Submit an application to the Board on the form that the Board requires;*

(2) *Pay to the Board the application fee set by the Board; and*

(3) *Submit to a criminal history records check in accordance with Health Occupations Article, §2–303.1, Annotated Code of Maryland.*

D. *The Board shall issue a license to any applicant who meets the requirements of:*

(1) *Health Occupations Article, Title 2, Subtitle 4A, Annotated Code of Maryland; or*

(2) *§C of this regulation and provides evidence satisfactory to the Board that the applicant is licensed and in good standing as a music therapist in another jurisdiction where the qualifications required are equal to or greater than those required in this subtitle.*

E. *The Board shall include on each license that the board issues:*

(1) *The full name of the licensed music therapist;*

(2) *The dates of issuance and expiration; and*

(3) *A license number.*

F. *A music therapist license authorizes the licensee to engage in the practice of music therapy while the license is effective.*

### **.04 Renewal of Licensure.**

A. *A license expires on a date set by the Board unless the license is renewed for an additional term as set forth under §D of this regulation.*

B. *A license may not be renewed for a term longer than 2 years.*

C. *At least 1 month before a license expires, the Board shall send to the licensee, by first-class mail or e-mail to the last known address of the licensee, a renewal notice that states the:*

(1) *Expiration date;*

(2) *Due date by which the renewal application shall be received by the Board for the renewal to be issued and mailed before the license expires; and*

(3) *Amount of the renewal fee.*

D. *Before a license expires, the licensee periodically may renew the license for an additional term if the licensee:*

(1) *Otherwise is entitled to be licensed;*

- (2) Pays to the Board a renewal fee set by the Board; and
- (3) Submits to the Board:

- (a) A renewal application on the form that the Board requires; and

- (b) Satisfactory evidence of compliance with any continuing education requirements established by the Board under Regulation .05 of this chapter.

E. A licensee shall undergo a new criminal records history check as set forth in Health Occupations Article, §2-303.1, Annotated Code of Maryland, every three renewal cycles or every 6 years.

**.05 Continuing Education Requirements.**

A. The continuing education requirements shall include proof of completion of at least 40 hours of continuing education in a program approved by CBMT or any successor organization approved by the Board that includes:

- (1) A minimum of 1 CEU in the area of cultural competency;
- (2) A minimum of 1 CEU in the area of ethics;
- (3) Supervision;
- (4) Billing;
- (5) Interdisciplinary collaboration; and
- (6) Related training that does not include annual training requirements for:
  - (a) Job orientation;
  - (b) Job maintenance; or
  - (c) Other general training or information related to human health.

B. It is recommended that a licensee applying for the renewal of a license successfully complete, within the 2-year licensing period as a part of the required 40 hours of Board-approved continuing education programs, a minimum of 2 CEUs in the area of supervision.

C. The Board shall renew the license of each licensee who meets the requirements of Regulations .04 and .05 of this chapter.

**.06 Inactive Status, Reactivation, Reinstatement, and Reapplication.**

A. Inactive Status.

(1) The Board shall place a licensee on inactive status if the licensee submits to the Board:

- (a) An application for inactive status on the form that the Board requires; and
- (b) The inactive status fee set by the Board.

(2) The Board shall license an individual on inactive status who applies for a license if the individual meets:

- (a) The renewal requirements of Health Occupations Article, §2-4A-10, Annotated Code of Maryland; and
- (b) Any continuing education requirements established by the Board.

(3) The Board may not require payment of a late fee by an individual as a condition to licensing set forth under §B of this regulation.

B. Reactivation.

(1) If a license has been in an inactive status for no more than two 2-year renewal cycles of inactivity, the licensee may apply for reactivation of the inactive license.

(2) The Board shall reactivate the license if the music therapist:

- (a) Submits to the Board satisfactory proof of completion of at least 40 hours of CEU activity, in a program approved by CBMT or any successor organization, for every 2-year cycle of inactivity; and
- (b) Pays to the Board the renewal fee and the reactivation fee set by the Board.

C. Reinstatement.

(1) If a license has been expired for 5 years or less, a music therapist may apply for reinstatement of the expired license.

(2) The Board shall reinstate the license if the music therapist:

- (a) Submits to the Board satisfactory proof of completion of continuing education hours required of a music therapist on active status during the period of inactivity; and
- (b) Pays to the Board the renewal fee and the reinstatement fee set by the Board.

D. Reapplication.

(1) The Board may not reinstate the license of a music therapist who fails to apply for reinstatement of the license within 5 years after the license expires.

(2) The music therapist whose license has been expired for more than 5 years may become licensed if the music therapist:

- (a) Meets the current requirements for obtaining a license;
- (b) Submits to the Board satisfactory proof of completion of continuing education hours required of a music therapist on active status during the period of inactivity; and
- (c) Pays to the Board the application fee set by the Board.

**.07 Licensee Responsibilities.**

A. A licensee shall notify the Board in writing of a change of:

- (1) Mailing address within 30 days after the change;
- (2) Name within 30 days after the change; or
- (3) Email address within 30 days after the change if the licensee has previously submitted an email address to the Board.

B. A licensee who fails to comply with the requirements of this regulation may be subject to disciplinary action.

## 10.41.08 Hearing Aid [Dispensers] *Dispensing*

Authority: Health Occupations Article, §§2-101(d), 2-205, 2-302.1, 2-304, 2-308, 2-310.1, 2-311(c), 2-311—2-314.8, 2-314(10) and (11), and 2-314.9, Annotated Code of Maryland

### .01-1 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *“Locked, nonproprietary programming software” means software that any provider can render inaccessible to other hearing aid programmers.*

[(2)] (3) (text unchanged)

(4) *“Proprietary programming software” means software that is:*

(a) *Used to program hearing aids that is supplied by a hearing aid distributor or manufacturer for the exclusive use by affiliated providers; and*

(b) *Locked and inaccessible to nonaffiliated providers.*

### .02 Application for License.

A.—E. (text unchanged)

F. The Board shall include in the application for a limited license the following statement: "I do hereby affirm, under penalty of perjury, that I am the holder of a valid unrevoked, unsuspended license issued by the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists* and that I have read the above excerpts, and that I fully understand my responsibilities as supervisor for the applicant who will work and train under my supervision and for whose technical training and ethical conduct I am to be responsible. I further affirm that I have read the application of the above-named person and that to the best of my knowledge all answers are true and correct."

G.—H. (text unchanged)

I. The applicant shall demonstrate oral English competency as follows:

(1) (text unchanged)

(2) Achievement of a minimum score [as defined by the Board] *of 105, with at least a 26 on Speaking and Listening*, on the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

J.—K. (text unchanged)

### .06 Practice of Limited Licensee.

A. (text unchanged)

B. On obtaining a limited license, the holder of a limited license shall engage in the practice of fitting and dispensing hearing aids for 20 consecutive days under the direct and continuous supervision of a licensee. The licensee shall provide direct supervision subsequently for a minimum of [20] *40 hours per month for at least 6 months.*

C. *The supervising hearing aid dispenser shall be immediately available and physically on-site.*

[C.] D.—[I.] J. (text unchanged)

[J.] K. The supervisor of a limited licensee:

(1) (text unchanged)

(2) *Shall conduct all required direct and continuous supervision as defined in §B of this regulation, at a Maryland hearing aid dispensing practice only;*

[(2)] (3)—[(5)] (6) (text unchanged)

### .08 Testing Procedures.

A. (text unchanged)

B. The licensee or holder of a limited license shall perform the following minimum testing procedures on each client [seen] *evaluated prior to the fitting of a hearing aid(s):*

(1) [Air conduction tests at frequencies of 500-1,000-2,000-4,000 hertz,] *Pure tone air conduction thresholds at 500 Hz, 1,000 Hz, 2,000 Hz, and 4,000 Hz, including [appropriate] masking as needed, if the threshold [of the second ear tested appears to differ by 30 decibels at any one frequency from those of the first ear; and] between the ears differs, at any frequency, by:*

(a) *40 decibels when using supra aural headphones;*

(b) *60 decibels when using insert earphones, properly inserted; or*

(c) *Inter-octave frequencies that shall be tested if there is a difference of 15dB or greater between octave frequencies as specified under §B(1)(a) and (b) of this regulation;*

(2) [Bone conduction tests at frequencies of 500-1,000-2,000-4,000 hertz, including appropriate masking, if there is a greater than 10 decibel difference in the bone readings of one ear over the other.] *Pure tone bone conduction thresholds, including masking as needed, at 500 Hz, 1000 Hz, 2000 Hz, and 4000Hz; and*

(3) *Word recognition scores obtained using recorded word lists or monitored live voice. Presentation level shall be at least 40dB above speech recognition threshold or at least 5dB above the threshold at 2000Hz, or both, if within level of tolerance.*

C. The use of speech stimuli, *such as speech in noise testing*, is recommended before and [during] *after* the fitting of the hearing aid.

D. *The use of probe microphone measurements are recommended to verify the audibility of speech at 50dB, 65dB, and 80dB input levels as well as MPO measurements to avoid damage to the peripheral auditory system and check comfort of the hearing aid users.*

[D.] E. The hearing aid dispenser shall [maintain]:



(1) *Maintain and retain* all test results as part of a client's record. Part or all of the tests may be performed by an otologist or clinical audiologist, but [copies of the tests given] *the test* may not be more than 6 months old[. The hearing aid dispenser shall retain the test results in the client's record.] *for the use of a hearing device fitting; and*

(2) *Provide to the client a copy of all:*

- (a) *Test results;*
- (b) *Recommendations; and*
- (c) *Referrals.*

[E.] F. (text unchanged)

[F.] G. Before fitting or selling a hearing aid to a potential client, the licensee shall refer the client to a physician, preferably one specializing in the diseases of the ear, if the licensee determines that the client has any of the following conditions:

(1)—(4) (text unchanged)

(5) *Pain, discomfort, foreign body/material, or active drainage in the ear;*

[(5)] (6) *Air-bone gap in excess of 15 decibels on more than one frequency; [or]*

(7) *Evidence of congenital or traumatic deformity of the ear, not previously evaluated;*

(8) *Unilateral or asymmetrical hearing loss with a difference of greater than 15dB pure tone average between ears, or asymmetry greater than 15dB at 2 or more frequencies; or*

[(6)] (9) (text unchanged)

#### **.11 Continuing Education Requirements.**

A. A licensee applying for renewal of a license shall have successfully completed, within the 2-year licensing period, a total of 30 hours of Board-approved continuing education programs. Of the 30 hours, the licensee shall complete:

(1) 26 or more hours of instruction directly relating to the practice of fitting hearing aids, including the:

- (a)—(b) (text unchanged)
- (c) *Psychology of the hearing impaired; [and]*

(2) Not more than:

(a) (text unchanged)

(b) 5 hours of continuing education credit in a single continuing education cycle by attending regularly scheduled Board meetings where 1 hour of an open session at a Board meeting equals 1 hour of continuing education credit[.];

(3) *A minimum of 1 CEU in the area of cultural competency; and*

(4) *A minimum of 1 CEU in the area of ethics.*

B. *It is recommended that a licensee applying for the renewal of a license successfully complete, within the 2-year licensing period as a part of required 30 hours of Board-approved continuing education programs a minimum of 2 CEUs in the area of supervision.*

[B.] C.—[C.] D. (text unchanged)

[D.] E. First-Time Renewal of License.

(1) Continuing education units shall be prorated for:

- (a) (text unchanged)
- (b) *Newly licensed individuals; and*
- (c) *Individuals seeking reinstatement[; and*
- (d) *Individuals who have been licensed in another state and are seeking licensure in Maryland].*

(2) The Board shall waive all continuing education requirements for a licensee obtaining full licensure within *the last 6 months* [of the beginning] of the renewal cycle.

[E.] F. (text unchanged)

#### **.12 Renewal of Licensure.**

A. *A licensee shall undergo a new criminal records history check as set forth in Health Occupations Article, §2-303.1, Annotated Code of Maryland, every 3 renewal cycles or every 6 years.*

[A.] B.—[B.] C. (text unchanged)

#### **.14 Sale of Hearing Aid Software Guidelines.**

A. *To the extent not inconsistent with federal law, a licensee shall, before the consummation of a sale of a hearing aid that uses proprietary programming software or locked, nonproprietary programming software, provide the purchaser with a written notice that:*

(1) *States “The hearing aid being purchased uses proprietary or locked programming software and can only be serviced or programmed at specific facilities or locations”;*

(2) *Shall be signed by the purchaser before the sale; and*

(3) *Includes a copy that is kept and maintained by the licensee.*

B. *To the extent not inconsistent with federal law, a licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:*

(1) *The date of consummation of the sale;*

(2) *Specifications as to the make, serial number, and model number of the hearing aid or aids sold;*

(3) *The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid or aids sold;*

(4) *A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact;*

- (5) *The number of the licensee's license and the name and license number of any other hearing aid dispenser, temporary licensee, or trainee licensee, who provided any recommendation or consultation regarding the purchase of the hearing aid; and*
- (6) *The terms of any guarantee or written warranty, as required by federal law or regulations, made to the purchaser with respect to the hearing aid or hearing aids.*

### 10.41.09 Civil Penalties

Authority: Health Occupations Article, §§2-205, 2-314.9, and 2-315, Annotated Code of Maryland

#### .02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
- (1) "Board" means Board of Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, and Music Therapists.
- (2) "Licensee" means an individual licensed by the Board to practice audiology, hearing aid dispensing, [or] speech-language pathology, *music therapy*, or *assists in the practice of speech-language pathology or audiology*.
- (3) (text unchanged)

### 10.41.11 Speech-Language Pathology Assistants and Audiology Assistants

Authority: Health Occupations Article, §§[2-205] 2-101, 2-102, 2-205, 2-308, 2-311(c), 2-312(b), [2-314(10) and (11)] 2-314, [and] 2-319, 2-3A 01—2-3A-07, 2-401, 2-402.4, and 2-406, Annotated Code of Maryland

#### .01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
- (1) "Audiology assistant" means an individual who:
- (a) Meets the minimum qualifications established under:
- (i) *Health Occupations Article, Title 2, Subtitle 3A, Annotated Code of Maryland; and*
- (ii) *This chapter;*
- (b) *Does not work independently; and*
- (c) *Works under the general supervision of an audiologist licensed under Health Occupations Article, Title 2, Annotated Code of Maryland.*
- [(1)] (2) "Board" means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, and Music Therapists.
- [(2)] (3)—[(3)] (4) (text unchanged)
- [(4)] (5) "Delegation agreement" means an agreement between a speech-language pathology assistant or an audiology assistant and a supervising speech-language pathologist or audiologist which identifies the supervising speech-language pathologist or audiologist and the facility at which the speech-language pathology assistant or the audiology assistant will be practicing.
- [(5)] (6) "Direct supervision" means on-site, in-view, observation and guidance by a supervising speech-language pathologist or audiologist while on an assigned activity.
- (7) "General supervision" means the supervision of a licensed audiology assistant by a licensed audiologist who may or may not be present when the licensed audiology assistant assists in the practice of audiology.
- [(6)] (8) "Indirect supervision" means those activities other than direct observation and guidance conducted by a supervising speech-language pathologist or audiologist including, but not limited to:
- (a)—(c) (text unchanged)
- [(7)] (9)—[(9)] (11) (text unchanged)

#### .02 Speech-Language Pathology Assistant License Requirements.

- A. The Board shall issue a speech-language pathology assistant license to an applicant who:
- (1) Meets the following qualifications:
- (a) Has completed the educational requirements in [Regulation .03A of this chapter] §C of this regulation;
- (b) Has completed the clinical hours requirements in [Regulation .03B of this chapter] §D of this regulation;
- (c) (text unchanged)
- (d) Has completed a period of not less than 9 months of supervised practice as specified in Regulation [.03C] .03B of this chapter; and
- (e) (text unchanged)
- (2) (text unchanged)
- B. (text unchanged)
- C. Academic Curriculum Requirements.
- (1) A speech-language pathology assistant shall demonstrate completion of one of the following requirements, unless a request for an exception based on extenuating circumstances, with documented continuing education during the previous 5 years is approved by the Board:
- (a) An associate's degree from an approved program for speech-language pathology assistants at an accredited institution;

(b) An associate's degree or higher in an allied health field from an accredited institution with minimum course work that includes at least 3 credit hours in each of the following areas:

- (i) Language acquisition and usage throughout the lifespan;
- (ii) Speech disorders;
- (iii) Anatomy and physiology of speech systems;
- (iv) Language disorders, including pragmatics; and
- (v) Phonology; or

(c) A baccalaureate degree in speech-language pathology or communication science disorders from an accredited institution.

(2) The Board shall accept only an official transcript that demonstrates course work completed with a grade of at least a "C" taken for credit.

(3) Academic course titles which are not self-explanatory shall be substantiated through course descriptions in official school catalogs or bulletins, or by other official means.

(4) Degrees or course work, or both, received at foreign universities are acceptable only if the course work and clinical practicum hours can be demonstrated, at the applicant's expense, to meet the requirements of this section.

#### D. Clinical Hours Requirements.

(1) A speech-language pathology assistant shall demonstrate at the time of application for licensure:

(a) Completion of at least 25 hours of clinical observation and 75 hours of clinical assisting experience in an associate's program; or

(b) 25 observation and 75 clinical practice hours as a speech-language pathology student in a bachelor's or master's program obtained within an educational institution or in one of the educational institution's cooperating programs.

(2) Alternative Method for Completion of Clinical Hours.

(a) If an applicant has not obtained the hours required in §D(1) of this regulation, the applicant may file with the Board a written plan for an alternative method to obtain the hours which shall include:

(i) A plan for the clinical observation, or clinical assisting experience, or both, designed and signed by the supervising speech-language pathologist;

(ii) Further information or revisions as requested by the Board;

(iii) An application for limited licensure; and

(iv) The fee for limited licensure.

(b) The plan for obtaining the 75 hours of clinical assistance shall include 100 percent direct supervision by the supervising speech-language pathologist of the speech-language pathology assistant during any client contact hours.

(c) The Board shall approve the plan and issue the limited license before any clinical observation or clinical assisting experience may be obtained.

(d) The limited licensee shall then complete the hours in accordance with the Board-approved plan within 60 days.

(e) If the Board does not receive proof of successful completion of the hours by the end of 90 days, the limited assistant license is void and the speech-language pathology assistant may reapply.

#### **[.04] .03 [Issuance of] Speech-Language Pathology Assistant Limited License.**

A. (text unchanged)

B. [A speech-language pathology assistant shall complete a delegation agreement for each supervising speech-language pathologist.] *Supervised Practice Requirements.*

(1) A speech-language pathology assistant shall have a limited license from the Board before beginning supervised practice.

(2) The Board shall issue a limited license to practice as a speech-language pathology assistant to an applicant who:

(a) Is of good moral character;

(b) Meets the qualifications indicated in Regulation .02A of this chapter and:

(i) Has completed the requirements of Regulation .02D(1) of this chapter; or

(ii) Has submitted a plan approved by the Board as provided in Regulation .02D(2) of this chapter;

(c) Submits the completed application and fee to the Board; and

(d) Submits a delegation agreement to the Board for each supervising speech-language pathologist.

(3) During the period of limited licensure, the speech-language pathology assistant shall:

(a) Practice only under the supervision of:

(i) A fully licensed speech-language pathologist; or

(ii) In an exempt setting, an individual who holds a Certificate of Clinical Competence in speech-language pathology from the American Speech-Language-Hearing Association;

(b) Demonstrate completion, within the first 60 days, under direct supervision as documented by the supervising speech-language pathologist of:

(i) At least 25 hours of clinical observation earned during the educational training or on the job, or both; and

(ii) A cumulative total of 75 hours of clinical assistance earned during the educational training or on the job, or both;

and

(c) Practice a minimum of 9 months under a limited license.

(4) The limited license shall expire 12 months after its effective date.

(5) The supervising speech-language pathologist shall ensure that the speech-language pathology assistant demonstrates successful completion of the Board's competency skills checklist.

(6) The speech-language pathology assistant shall submit the completed competency skills checklist to the Board at least 60 days before the limited license expiration date.

**.04 Audiology Assistant License Requirements.**

A. The Board shall issue an audiology assistant license to an applicant who:

(1) Meets the following qualifications:

(a) Holds a high school diploma or equivalent degree such as a GED from an accredited institution;

(b) Is of good moral character;

(c) Demonstrates oral competency;

(d) Submits a criminal history records check in accordance with Health Occupations Article, §2-303.1, Annotated Code of Maryland;

(e) Submits an application to the Board on the form that the Board requires;

(f) Pays the application fee set by the Board; or

(2) Meets the qualifications for waiver of requirements in Regulation .05 of this chapter.

B. Incomplete Applications.

(1) If an incomplete application is submitted to the Board, the Board shall notify the applicant within 30 days after receipt of an incomplete application of the materials that are required.

(2) An application is not complete until all required material, including the application fee and supporting documentation, is received by the Board.

(3) If the applicant fails to provide the required documentation within 1 year of receipt of the initial receipt, the Board may administratively close the application.

(4) An applicant whose application is administratively closed may reapply and submit with the new application proof of compliance with:

(a) This subtitle; and

(b) Health Occupations Article, Title 2, Annotated Code of Maryland.

C. Academic Curriculum Requirement. An audiology assistant shall provide proof of completion of a high school diploma or higher.

D. An audiology assistant:

(1) May not work independently; and

(2) Works under the general supervision of a licensed audiologist.

**.05 Waiver of Requirements[ — Speech-Language Pathology Assistants].**

A. The Board may waive the qualifications required for a license to practice as a speech-language pathology assistant or an audiology assistant under this chapter for an individual who:

(1)—(2) (text unchanged)

(3) Has been working as [a]:

(a) A speech-language pathology assistant [for at least 2 years;] prior to October 1, 2007; or

(b) An audiology assistant prior to October 1, 2022;

(4) Has completed the educational requirements in [Regulation .03A] Regulations .02C and .04C of this chapter;

(5)—(6) (text unchanged)

B. The Board may waive any of the qualifications required for a license to practice as a speech-language pathology assistant or an audiology assistant under this chapter for an individual who:

(1) Holds a valid registration as a speech-language pathology assistant or an audiology assistant from the American Speech-Language-Hearing Association;

(2) Holds a valid license, certification, or registration as a speech language pathology assistant or an audiology assistant in another state whose qualifications for a speech-language pathology assistant or an audiology assistant are equivalent to the qualifications for a speech-language pathology assistant or an audiology assistant in this State; or

(3) (text unchanged)

**.06 [Speech-Language Pathology Assistant] Scope of Practice.**

A. A speech-language pathology assistant or an audiology assistant may provide only services which assist the direct services provided by a supervising speech-language pathologist or audiologist, and not services which are alternatives to direct services.

B. Activities within the scope of practice of a speech-language pathology assistant or an audiology assistant shall include the following:

(1) Engaging only in those duties planned, designed, and supervised by a supervising speech-language pathologist or audiologist;

(2) Following treatment plans or protocols developed by the supervising speech-language pathologist or audiologist who maintains professional responsibility for the plans of care;

(3) (text unchanged)

(4) Identifying the licensee as a speech-language pathology assistant or an audiology assistant to consumers and co-professionals;

(5) Following specified screening protocols developed by the supervising speech-language pathologist or audiologist when conducting speech-language or audiology screenings; and

(6) Reporting documented evidence of treatment and non-interpretive data regarding the client's performance to the supervising speech-language pathologist *or audiologist*.

C. Activities within the scope of practice of a speech-language pathology assistant *or an audiology assistant* may include the following:

(1)—(3) (text unchanged)

(4) Performing checks and maintenance of equipment; [and]

(5) Participating with the supervising speech-language pathologist *or audiologist* in research projects, in-service training, and public relations programs[.];

(6) *Assisting the speech-language pathologists or audiologists during patient assessments; and*

(7) *Assisting the audiologists with basic diagnostic tests, such as audiometry and tympanometry.*

D. Activities not within the scope of practice of a speech-language pathology assistant *or an audiology assistant* include:

(1) (text unchanged)

(2) Participating in parent conferences, case conferences, or interdisciplinary team meetings without the presence of the supervising speech-language pathologist *or audiologist*, or other licensed speech-language pathologist *or audiologist* designated by the supervising speech-language pathologist *or audiologist*;

(3)—(6) (text unchanged)

(7) Disclosing clinical or confidential information either orally or in writing to anyone other than the supervising speech-language pathologist *or audiologist*; or

(8) Providing specialized [dysphagia] treatment that requires advanced knowledge and training.

E. *Audiology assistants may not perform any task:*

(1) *Without the express knowledge and approval of the supervising audiologist; and*

(2) *That may be prohibited by state or federal law.*

**.07 [Requirements of the Supervising Speech-Language Pathologist] Supervisor Responsibilities.**

A. A supervising speech-language pathologist *or audiologist* is responsible for the direction of all client services provided by a speech-language pathology assistant *or an audiology assistant*.

B. A licensed full-time (35 hours or more a week) speech-language pathologist *or audiologist* may not supervise more than the equivalent of two full-time (35 hours or more a week) speech-language pathology assistants *or audiology assistants*.

C. A licensed part-time (less than 35 hours a week) speech-language pathologist *or audiologist* may not supervise more than the equivalent of one full-time (35 hours a week) speech-language pathology assistant *or an audiology assistant*.

D. A supervising speech-language pathologist *or audiologist* shall:

(1) Have a minimum of 3 years work experience (2 years since receipt of full license or ASHA-CCC) as a speech-language pathologist *or audiologist*;

(2) Maintain on-going contact with all clients seen by a speech-language pathology assistant *or an audiology assistant* by participating in:

(a)—(b) (text unchanged)

(3) Provide supervision of the speech-language pathology assistant *or the audiology assistant* that is a combination of direct on-site activities and indirect activities;

(4) Be on-site to supervise the speech-language pathology assistant [a minimum of 2 times per month] *during the first 2-hour of treatment for each client and then at least 1 direct hour of supervision during each subsequent month;*

(5) *Provide general supervision to the audiology assistant and continuous availability by phone or telehealth technologies;*

[(5)] (6) Conduct and maintain performance evaluations of the speech language pathology assistant *or the audiology assistant* within the first 3 months and at least annually thereafter, that are cosigned by both the supervising speech-language pathologist *or audiologist* and the speech-language pathology assistant *or the audiology assistant*;

[(6)] (7) Provide a copy of the signed performance evaluation to the speech-language pathology assistant *or the audiology assistant*;

[(7)] (8) Maintain documentation of client contact and supervisory activities of the speech-language pathology assistant *or the audiology assistant*; and

[(8)] (9) Have the authority to combine in-person client contact and on-site supervision of the speech-language pathology assistant *or the audiology assistant* when appropriate.

**[.08].09 [Term and] License Renewal [of Speech-Language Pathology Assistant License].**

A. A speech-language pathology assistant *or an audiology assistant* license expires on the date set by the Board, unless it is renewed for an additional term as provided in this regulation.

B. (text unchanged)

C. At least 1 month before the license expires, the Board shall notify the speech-language pathology assistant *or the audiology assistant* of the date the license expires and the procedures for renewing the license.

D. The speech-language pathology assistant *or the audiology assistant* is responsible for renewing licensure.

E. The speech-language pathology assistant *or the audiology assistant* may apply to renew the license for another term if the speech-language pathology assistant *or the audiology assistant*:

(1)—(2) (text unchanged)

(3) Submits to the Board:

(a) text unchanged)

(b) Satisfactory evidence of compliance with any continuing education requirements under [Regulation .09] *Regulation .10* of this chapter; and

(c) A delegation agreement for each supervising speech-language pathologist *or audiologist*.

F. A speech-language pathology assistant *or an audiology assistant* shall undergo a new criminal records history check as set forth in *Health Occupations Article, §2-303.1, Annotated Code of Maryland, every 3 renewal cycles or every 6 years.*

[F.] G.—[G.] H. (text unchanged)

**[.09].10 Continuing Education Requirements [(CEU) for Speech-Language Pathology Assistants].**

A. A speech-language pathology assistant *or an audiology assistant* shall obtain CEUs as a means of staying current in the field.

B. The speech-language pathology assistant *or the audiology assistant* shall earn a minimum of ten CEUs as a condition of renewal as follows:

(1) (text unchanged)

(2) Five CEUs in work-related areas[.], *that may include the recommended completion of:*

(a) *A minimum of 1 CEU in the area of cultural competency;*

(b) *A minimum of 1 CEU in the area of ethics; and*

(c) *Related training does not include annual training requirements for:*

(i) *Job orientation;*

(ii) *Job maintenance; or*

(iii) *Other general information related to health care.*

C. The speech-language pathology assistant *or the audiology assistant* shall retain records documenting completion of CEUs.

D. At the time of license renewal, the Board shall audit 25 percent of the speech-language pathology assistants *or the audiology assistants* for compliance with the continuing education requirement.

E. If the speech-language pathology assistant *or the audiology assistant* is audited by the Board, the speech-language pathology assistant *or the audiology assistant* shall submit to the Board the following:

(1)—(2) (text unchanged)

(3) Documentation of earned CEUs *completed within the 2 years immediately preceding the license expiration date.*

**10.41.13 Sanctioning Guidelines**

Authority: Health Occupations Article, §§1-606, 2-314, and 2-314.9, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) "Board" means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech-Language Pathologists, *and Music Therapists*.

(2) (text unchanged)

(3) "License" means a license issued by the Board to:

(a)—(b) (text unchanged)

(c) Practice speech-language pathology; [or]

(d) *Practice music therapy; or*

[(d)] (e) Assist in the practice of speech-language pathology *or audiology*.

(4) "Licensee" means an individual licensed by the Board to:

(a)—(b) (text unchanged)

(c) Practice speech-language pathology; [or]

(d) *Practice music therapy; or*

[(d)] (e) Assist in the practice of speech-language pathology *or audiology*.

(5)—(6) (text unchanged)

**.04 Guidelines for Disciplinary Sanctions and Imposition of Penalties.**

A. Subject to the provisions of this section, the Board may impose sanctions and penalties for violations of the Maryland Audiology, Hearing Aid Dispensing, [and] Speech-Language Pathology, *and Music Therapy Act* and its regulations according to the guidelines set forth in the following chart:

Violation	Minimum Sanction/Penalty	Maximum Sanction/Penalty
(1)—(20) (text unchanged)		
[(21) Immoral behavior	Reprimand	Revocation; \$5,000 fine
(22) Discrimination against HIV or HIV positive patient	Reprimand	Suspension for 90 days; \$1,000 fine]
[(23)] (21)—[(26)] (24) (text unchanged)		

B.—D. (text unchanged)

**FEE JUSTIFICATION**

- (1) Explain/justify why an increase or decrease is necessary:  
Audiology assistants have been added to this subtitle pursuant to Chs. 713 and 714, Acts of 2021; music therapists have been added to this subtitle pursuant to Ch. 800, Acts of 2021; and a new fee for licensing privileges for The Audiology and Speech-Language Pathology Interstate Compact is necessary to cover operating expenses such as payroll, office and storage space, supplies, and system database/software maintenance, pursuant to Ch. 158, Acts of 2021. A music therapists roster fee was added to be consistent with all the other licenses.
- (2) How much money is needed to operate effectively or to eliminate an operating fund deficit?  
N/A.
- (3) In what year was the most recent fee increase?  
March 2014.
- (4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?  
The revenue will be retained by the Board.
- (5) Describe any measures taken to mitigate the need for increased revenue:  
Duties are shared by Board staff to ensure a streamlined review and approval process of new applications and for continued compliance and oversight of licensees.
- (6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.  
N/A
- (7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.  
Establishing application fees for the new licenses for music therapists, audiology assistants and the compact will not impose a hardship.
- (8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.  
The application fees were discussed during the Board's open session meetings with the public. The Professional Certification Associations were also notified of the proposed application fees and asked to comment. No objections were received. The application fees are consistent with the fees for all professions currently licensed by the Board.