

HOUSE BILL 161

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(PRE-FILED)

11r0502
CF 11r1677

By: **Delegate Kelly**

Requested: September 9, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Registration of Audiology Assistants**

3 FOR the purpose of requiring an individual, on or after a certain date, to be registered by
4 the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and
5 Speech–Language Pathologists before assisting in the practice of audiology in the
6 State, except as otherwise provided under certain provisions of law; altering the
7 Board’s powers and duties to include certain powers and duties related to audiology
8 assistants; authorizing the Board to adopt certain regulations governing the
9 registration of audiology assistants and assistance in the practice of audiology;
10 altering certain grounds for discipline to allow the Board to take certain action
11 against certain applicants or licensees for supervising or aiding an unauthorized
12 individual in the assistance of audiology; authorizing the Board to allow an audiology
13 assistant licensed or registered in another state to practice in the State under certain
14 circumstances; establishing certain qualifications an applicant must meet to qualify
15 for registration as an audiology assistant; authorizing the Board to waive certain
16 qualifications in a certain manner; requiring the Board to issue a registration to
17 certain applicants; prohibiting the Board from adopting certain regulations that are
18 more stringent than certain qualifications; providing that a certain registration
19 authorizes a certain individual to assist in the practice of audiology while the
20 registration is effective; requiring the Board to determine the term of a registration
21 and certain renewal and reinstatement requirements in a certain manner; requiring
22 a registered audiology assistant to assist in the practice of audiology under certain
23 supervision; authorizing a licensed audiologist to supervise not more than a certain
24 number of audiology assistants at any time; providing that certain applicants and
25 registered audiology assistants are subject to certain provisions of law in a certain
26 manner; prohibiting a person from practicing, attempting to practice, or offering to
27 assist in the practice of audiology except under certain circumstances; prohibiting a
28 person from using or attempting to use a certain registration; prohibiting certain
29 individuals from making certain representations to the public and using certain
30 titles; prohibiting a person from knowingly making certain false statements in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



certain applications, materially altering certain registrations, or transferring or offering to transfer certain registrations in a certain manner; prohibiting audiology assistants from engaging in certain trade practices and otherwise violating certain provisions of commercial law; defining certain terms; and generally relating to the registration of audiology assistants.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 2–101(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

BY adding to
Article – Health Occupations
Section 2–101(b–1), (d–1), (s), and (t) and 2–314(25); 2–3A–01 through 2–3A–07 to
be under the new subtitle “Subtitle 3A. Registration of Audiology Assistants”;
and 2–402.4
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 2–101(s), (t), and (u), 2–102(a), 2–205, 2–314(23) and (24), 2–401, and 2–403
through 2–406
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health Occupations

2–101.

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

(B–1) “AUDIOLOGY ASSISTANT” MEANS AN INDIVIDUAL WHO:

**(1) MEETS THE MINIMUM QUALIFICATIONS ESTABLISHED UNDER
THIS SUBTITLE AND IN REGULATIONS ADOPTED BY THE BOARD;**

(2) DOES NOT WORK INDEPENDENTLY; AND

**(3) WORKS UNDER THE GENERAL SUPERVISION OF AN AUDIOLOGIST
LICENSED UNDER THIS TITLE.**

1 **(D-1) “GENERAL SUPERVISION” MEANS THE SUPERVISION OF A REGISTERED**
2 **AUDIOLOGY ASSISTANT BY A LICENSED AUDIOLOGIST WHO MAY OR MAY NOT BE**
3 **PRESENT WHEN THE REGISTERED AUDIOLOGY ASSISTANT ASSISTS IN THE PRACTICE**
4 **OF AUDIOLOGY.**

5 **(S) “REGISTERED AUDIOLOGY ASSISTANT” MEANS, UNLESS THE CONTEXT**
6 **REQUIRES OTHERWISE, AN AUDIOLOGY ASSISTANT WHO IS REGISTERED BY THE**
7 **BOARD TO ASSIST A LICENSED AUDIOLOGIST IN THE PRACTICE OF AUDIOLOGY.**

8 **(T) “REGISTRATION” MEANS, UNLESS THE CONTEXT REQUIRES**
9 **OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO ASSIST IN THE PRACTICE**
10 **OF AUDIOLOGY.**

11 **[(s)] (U)** “Speech–language pathologist” means an individual who practices
12 speech–language pathology.

13 **[(t)] (V)** “Speech–language pathology assistant” means an individual who:

14 (1) Meets the minimum qualifications established by the Board that shall
15 be less stringent than those established by this title to license speech–language
16 pathologists;

17 (2) Does not work independently; and

18 (3) Works under the direct supervision of a speech–language pathologist
19 licensed under this title.

20 **[(u)] (W)** “Telehealth” means the use of telecommunications and information
21 technologies for the exchange of information from one site to another for the provision of
22 health care to an individual from a provider through hardwire or Internet connection.

23 2–102.

24 (a) This title applies to an individual who practices audiology, hearing aid
25 dispensing, or speech–language pathology, or assists in the practice of speech–language
26 pathology **OR AUDIOLOGY** in the State.

27 2–205.

28 In addition to the powers and duties set forth elsewhere in this title, the Board has
29 the following powers and duties:

30 (1) To adopt rules and regulations to carry out the provisions of this title;

(2) To adopt and publish codes of ethics for the practices of audiology, hearing aid dispensing, and speech–language pathology, and the assistance in the practice of speech–language pathology **AND AUDIOLOGY**;

(3) To adopt an official seal;

(4) To hold hearings and keep records and minutes necessary for the orderly conduct of business;

(5) To issue a list annually of the names of all individuals licensed **AND REGISTERED** by the Board;

(6) To send any notice that the Board is required to give to a licensee **OR REGISTERED AUDIOLOGY ASSISTANT** under this title to the last known address given to the Board by the licensee **OR REGISTERED AUDIOLOGY ASSISTANT**; [and]

(7) To adopt regulations governing the use of telehealth communications by audiologists, hearing aid dispensers, and speech–language pathologists; **AND**

(8) TO ADOPT REGULATIONS GOVERNING THE REGISTRATION OF AUDIOLOGY ASSISTANTS AND ASSISTANCE IN THE PRACTICE OF AUDIOLOGY.

2–314.

Subject to the hearing provisions of § 2–315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

(23) Pays or agrees to pay any sum to any person for bringing or referring a patient; [or]

(24) Fails to submit to a criminal history records check in accordance with § 2–303.1 of this subtitle; **OR**

(25) SUPERVISES OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE ASSISTANCE OF AUDIOLOGY.

SUBTITLE 3A. REGISTRATION OF AUDIOLOGY ASSISTANTS.

2–3A–01.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, ON OR AFTER OCTOBER 1, 2022, AN INDIVIDUAL SHALL BE REGISTERED BY THE BOARD BEFORE

1 THE INDIVIDUAL MAY ASSIST A LICENSED AUDIOLOGIST IN THE PRACTICE OF
2 AUDIOLOGY IN THIS STATE.

3 (B) THE BOARD MAY ALLOW AN AUDIOLOGY ASSISTANT LICENSED OR
4 REGISTERED IN ANOTHER STATE TO ASSIST IN THE PRACTICE OF AUDIOLOGY IN
5 THIS STATE WITHOUT REGISTRATION IF THE AUDIOLOGY ASSISTANT HAS A
6 COMPLETED APPLICATION FOR REGISTRATION PENDING BEFORE THE BOARD.

7 2-3A-02.

8 (A) TO QUALIFY FOR A REGISTRATION TO ASSIST IN THE PRACTICE OF
9 AUDIOLOGY, AN APPLICANT MUST BE AN INDIVIDUAL WHO MEETS THE
10 REQUIREMENTS OF THIS SECTION.

11 (B) THE APPLICANT MUST:

12 (1) BE OF GOOD MORAL CHARACTER;

13 (2) HOLD A HIGH SCHOOL DIPLOMA OR EQUIVALENT DEGREE;

14 (3) DEMONSTRATE ORAL COMPETENCY;

15 (4) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN
16 ACCORDANCE WITH § 2-303.1 OF THIS TITLE;

17 (5) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
18 BOARD REQUIRES; AND

19 (6) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

20 (C) THE BOARD MAY WAIVE ANY OF THE REQUIREMENTS UNDER THIS
21 SECTION AS PROVIDED FOR IN REGULATIONS ADOPTED BY THE BOARD.

22 2-3A-03.

23 (A) THE BOARD SHALL ISSUE A REGISTRATION TO ANY APPLICANT WHO
24 MEETS THE REQUIREMENTS OF THIS SUBTITLE AND ANY REGULATIONS ADOPTED BY
25 THE BOARD TO CARRY OUT THIS SUBTITLE.

26 (B) THE BOARD MAY NOT ADOPT REGULATIONS TO ESTABLISH
27 QUALIFICATIONS OF APPLICANTS THAT ARE MORE STRINGENT THAN THE
28 QUALIFICATIONS ESTABLISHED UNDER THIS TITLE FOR APPLICANTS FOR A LICENSE
29 TO PRACTICE AUDIOLOGY.

1 **2-3A-04.**

2 **A REGISTRATION TO ASSIST IN THE PRACTICE OF AUDIOLOGY AUTHORIZES**
3 **THE REGISTERED INDIVIDUAL TO ASSIST A LICENSED AUDIOLOGIST IN THE**
4 **PRACTICE OF AUDIOLOGY WHILE THE REGISTRATION IS EFFECTIVE.**

5 **2-3A-05.**

6 **THE BOARD SHALL DETERMINE THROUGH REGULATIONS THE TERM OF A**
7 **REGISTRATION AND ANY RENEWAL OR REINSTATEMENT REQUIREMENTS.**

8 **2-3A-06.**

9 **(A) A REGISTERED AUDIOLOGY ASSISTANT SHALL ASSIST THE PRACTICE OF**
10 **AUDIOLOGY UNDER THE GENERAL SUPERVISION OF A LICENSED AUDIOLOGIST.**

11 **(B) A LICENSED AUDIOLOGIST MAY PROVIDE GENERAL SUPERVISION FOR**
12 **NOT MORE THAN TWO REGISTERED AUDIOLOGY ASSISTANTS AT ANY TIME.**

13 **2-3A-07.**

14 **A REGISTERED AUDIOLOGY ASSISTANT OR AN APPLICANT TO BE A**
15 **REGISTERED AUDIOLOGY ASSISTANT SHALL BE SUBJECT TO THE PROVISIONS IN §§**
16 **2-313 THROUGH 2-314.2, 2-314.5, 2-314.7 THROUGH 2-314.9, AND 2-315**
17 **THROUGH 2-317 OF THIS TITLE IN THE SAME MANNER AS THOSE PROVISIONS APPLY**
18 **TO APPLICANTS FOR A LICENSE TO PRACTICE AUDIOLOGY AND LICENSED**
19 **AUDIOLOGISTS.**

20 **2-401.**

21 **(a) Except as otherwise provided in this title, a person may not practice, attempt**
22 **to practice, or offer to practice audiology, hearing aid dispensing, or speech-language**
23 **pathology, or assist in the practice of speech-language pathology OR AUDIOLOGY in this**
24 **State unless licensed OR REGISTERED by the Board to practice audiology, hearing aid**
25 **dispensing, or speech-language pathology, or assist in the practice of speech-language**
26 **pathology OR AUDIOLOGY.**

27 **(b) A person may not use or attempt to use a license [or a], limited license, OR**
28 **REGISTRATION that has been purchased, fraudulently obtained, counterfeited, or**
29 **materially altered.**

30 **2-402.4.**

(A) UNLESS AUTHORIZED TO PRACTICE AS AN AUDIOLOGY ASSISTANT UNDER THIS TITLE OR UNLESS OTHERWISE PROVIDED FOR UNDER THIS ARTICLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY TITLE, DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON:

(1) IS AUTHORIZED TO PRACTICE AS AN AUDIOLOGY ASSISTANT IN THE STATE; OR

(2) ASSISTS IN THE PRACTICE OF AUDIOLOGY.

(B) UNLESS AUTHORIZED TO PRACTICE AS AN AUDIOLOGY ASSISTANT UNDER THIS TITLE OR UNLESS OTHERWISE PROVIDED FOR UNDER THIS ARTICLE, A PERSON MAY NOT USE ANY WORD OR TERM CONNOTING PROFESSIONAL PROFICIENCY IN ASSISTING THE PRACTICE OF AUDIOLOGY, INCLUDING:

(1) “AUDIOLOGY ASSISTANT”;

(2) “AUDIOLOGIST ASSISTANT”;

(3) “AUDIOMETRY ASSISTANT”;

(4) “AUDIOMETRIST ASSISTANT”; OR

(5) “AUDIOLOGICAL ASSISTANT”.

2–403.

A person may not knowingly make a false, material statement in an application for a license [or a], limited license, OR REGISTRATION or for renewal of a license [or a], limited license, OR REGISTRATION.

2–404.

A person may not materially alter a license [or a], limited license, OR REGISTRATION with fraudulent intent.

2–405.

A person may not transfer or offer to transfer a license [or a], limited license, OR REGISTRATION for consideration.

2–406.

1 While providing hearing aid services as an audiologist [or], AN AUDIOLOGY
2 ASSISTANT, OR a hearing aid dispenser, a person may not:

3 (1) Engage in an unfair or deceptive trade practice, as defined in § 13–301
4 of the Commercial Law Article; or

5 (2) Violate any provision of Title 14, Subtitle 25 of the Commercial Law
6 Article.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2021.