

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 103

(Senator Augustine)

Education, Health, and Environmental Affairs

Health and Government Operations

State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech–
Language Pathologists, and Music Therapists – Revisions

This bill (1) clarifies what constitutes a quorum for the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists; (2) extends exiting provisions regarding examination of a licensee by a health care provider to apply to a licensed music therapist or audiology assistant; (3) clarifies that the board may allow applicants licensed in another state to practice in Maryland under certain conditions; (4) specifies that existing disciplinary grounds apply to audiology assistants; (5) authorizes a licensed audiologist to delegate duties to an assistant and requires the board to adopt regulations for the position of audiology assistant and requirements for supervision; (6) adds additional disciplinary grounds for licensed music therapists; and (7) renames the music therapist rehabilitation subcommittee to be the music therapist rehabilitation committee. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Quorum

The bill clarifies that at least one audiologist, hearing aid dispenser, speech-language pathologist, and music therapist must be present at a board meeting to form a quorum to do business, rather than at least one member of each profession regulated under Title 2 of the Health Occupations Article.

Examination of a Licensee

The bill authorizes the board, while investigating an allegation against a licensed music therapist or audiology assistant, to require the licensee to submit to an appropriate examination by a health care provider if the board has reason to believe the licensee may cause harm to a person affected by the licensee's practice. In return for the privilege to practice music therapy or assist in the practice of audiology, a licensee has deemed to consent to the examination and waived any claim of privilege as to the reports of the health care provider who examines the licensee. Generally, failure or refusal to submit to an examination is *prima facie* evidence of the licensee's inability to practice. Under current law, these provisions are in place for all other license types regulated by the board.

Preliminary Approval by the Board to Practice

The bill clarifies that the board may allow an individual who is an audiologist, hearing aid dispenser, speech-language pathologist, music therapist, speech-language pathology assistant, or audiology assistant licensed in another state to practice in their respective field without a license if the applicant has (1) been granted preliminary approval by the board to practice and (2) a completed application for a license pending before the board. Under current law, the board may allow an individual who is an audiologist, hearing aid dispenser, speech language pathologist, music therapist, speech language pathology assistant, or audiology assistant licensed in another state to practice without a license if the individual has a completed application before the board.

Audiology Assistants

The bill specifies which existing disciplinary grounds apply to audiology assistants, authorizes a licensed audiologist to delegate duties to an assistant within the scope of practice and supervision guidelines in specified regulations, and requires the board to adopt regulations to establish qualifications and scope of practice for audiology assistants.

Chapters 713 and 714 of 2021 require an individual, on or after October 1, 2022, to be licensed by the board as an “audiology assistant” before the individual may assist a licensed audiologist in the practice of audiology. An audiology assistant must assist the practice of audiology under the “general supervision” of a licensed audiologist. Unless licensed by board, an individual may not represent to the public, as specified, that the person is authorized to practice as an audiology assistant in the State or assist in the practice of audiology. The board must promulgate regulations to establish the term of a license and any renewal or reinstatement requirements.

Additional Disciplinary Grounds for Music Therapists

The bill authorizes the board to deny a license to an applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke a license, if the applicant or licensee, in the practice of music therapy, (1) falsely represents the use or availability of services or advice of a physician; (2) misrepresents themselves by using the word “doctor” or any similar word, abbreviation, or symbol if the use is not accurate; or (3) practices with an unauthorized person or supervises or aids an unauthorized person in the practice of music therapy. Chapter 800 of 2021 requires individuals to be licensed by the board by January 1, 2022, to practice music therapy in the State. Current law includes several disciplinary grounds for licensed music therapists, including general grounds (such as fraudulently or deceptively obtaining a license or violating a code of ethics), as well as practicing music therapy fraudulently or deceitfully or behaving immorally in the practice of music therapy.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 155 (Delegate Sample-Hughes) - Health and Government Operations.

Information Source(s): Maryland Association of County Health Officers; Maryland State Department of Education; Maryland Department of Health; Department of Legislative Services

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