

SENATE BILL 449

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3lr2407
CF HB 401

By: **Senators Gile, Beidle, Ellis, Hershey, Kramer, Mautz, ~~and Ready~~ Ready, and Kelly**

Introduced and read first time: February 2, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 ~~Health Occupations Practice Audiology Definition~~
3 Maryland Audiology, Hearing Aid Dispensing, Speech-Language Pathology, and
4 Music Therapy Act – Definitions and Application

5 FOR the purpose of altering the definition of “hearing aid dispensing” to include certain
6 actions taken for the purpose of ordering certain hearing instruments and specifying
7 that certain hearing instruments include prescription hearing aids; altering the
8 definition of “practice audiology” for the purposes of certain provisions of law
9 governing the licensure of audiologists; providing that certain provisions of law do
10 not apply to certain actions taken with respect to certain over-the-counter hearing
11 aids; and generally relating to the ~~practice of audiology~~ Maryland Audiology,
12 Hearing Aid Dispensing, Speech-Language Pathology, and Music Therapy Act.

13 ~~BY renumbering~~

14 ~~Article – Health Occupations~~
15 ~~Section 2 – 101(r) through (u)~~
16 ~~to be Section 2 – 101(s) through (v), respectively~~
17 ~~Annotated Code of Maryland~~
18 ~~(2021 Replacement Volume and 2022 Supplement)~~

19 ~~BY adding to~~

20 ~~Article – Health Occupations~~
21 ~~Section 2 – 101(q)~~
22 ~~Annotated Code of Maryland~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(2021 Replacement Volume and 2022 Supplement)~~

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section ~~2–101(q)~~ 2–101(h) and (q) and 2–102
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 2–301(a)(1)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That Section(s) 2–101(r) through (u) of Article – Health Occupations of the Annotated Code
 of Maryland be renumbered to be Section(s) 2–101(s) through (v), respectively.~~

~~SECTION 2. 1. AND BE IT FURTHER ENACTED~~ BE IT ENACTED BY THE
 GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

2–101.

~~(q) “OSSEO INTEGRATED DEVICE” MEANS A BONE ANCHORED HEARING
 DEVICE OR COCHLEAR IMPLANTS.~~

(h) (1) “Hearing aid dispensing” means performing, conducting, and
 interpreting hearing assessment procedures to determine the type and extent of hearing
 loss for the purpose of:

(i) Fitting AND ORDERING suitable hearing instruments,
 INCLUDING PRESCRIPTION HEARING AIDS;

(ii) Selecting suitable hearing instruments;

(iii) Programming a hearing aid by selecting and determining the
 frequency response, compression, output, gain, or other parameters of the hearing aid for
 initial wear by an individual or any required alterations throughout the use of the hearing
 aid;

(iv) Making ear molds or ear impressions; and

(v) Providing appropriate counseling.

(2) “Hearing aid dispensing” includes:

1 (i) An act pertaining to the ORDERING, selling, renting, leasing, or
 2 delivering of a hearing instrument, INCLUDING A PRESCRIPTION HEARING AID; and

3 (ii) Providing maintenance or repair services for a hearing aid.

4 ~~[(q)] (R)~~ [(1)] “Practice audiology” means to [apply]:

5 (1) **APPLY** the principles, methods, and procedures of measurement,
 6 prediction, evaluation, testing, counseling, consultation, and instruction that relate to the
 7 development and disorders of hearing, vestibular functions, and related language and
 8 speech disorders, to ~~prevent or modify the disorders or assist individuals in hearing and~~
 9 ~~auditory and related skills for communication.] ~~ORDER, EVALUATE, DIAGNOSE,~~
 10 ~~MANAGE, OR TREAT ANY AUDITORY OR VESTIBULAR CONDITION IN THE HUMAN EAR;~~
 11 **AND**~~

12 (2) [“Practice audiology” includes the fitting or selling of] **PRESCRIBE,**
 13 **ORDER, SELL, DISPENSE, OR FIT** hearing aids ~~OR OSSEO-INTEGRATED DEVICES TO~~
 14 **AN INDIVIDUAL FOR THE CORRECTION OR RELIEF OF A CONDITION FOR WHICH**
 15 **HEARING AIDS OR OSSEO-INTEGRATED DEVICES ARE WORN.**

16 2-102.

17 (a) This title applies to an individual who practices audiology, hearing aid
 18 dispensing, speech-language pathology, or music therapy, or assists in the practice of
 19 speech-language pathology or audiology in the State.

20 (b) This title does not:

21 (1) Limit the right of an individual to practice a health occupation that the
 22 individual is authorized to practice under this article;

23 (2) Prohibit an individual from practicing any other profession that the
 24 individual is authorized to practice under the laws of this State; [or]

25 (3) Limit the right of a physician who is authorized to practice medicine
 26 under the laws of the State to treat the human ear or fit hearing aids; OR

27 (4) **APPLY TO THE SERVICING, MARKETING, SALE, DISPENSING, USE,**
 28 **CUSTOMER SUPPORT, OR DISTRIBUTION OF OVER-THE-COUNTER HEARING AIDS**
 29 **THROUGH IN-PERSON TRANSACTIONS, BY MAIL, OR ONLINE AS AUTHORIZED BY**
 30 **FEDERAL LAW AND REGULATIONS.**

31 2-301.

1 (a) (1) Except as otherwise provided in this title, an individual shall be
2 licensed by the Board before the individual may practice audiology, hearing aid dispensing,
3 speech–language pathology, or music therapy, or assist in the practice of speech–language
4 pathology or audiology in this State.

5 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 ~~October~~ July 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.