



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

**Board of Examiners for Audiologists, Hearing
Aid Dispensers & Speech-Language Pathologists**
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January 26, 2021

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: SB 183- Health Occupations – Audiology and Speech-Language Pathology Interstate Compact - Letter of Concern

Dear Chair Pinsky and Committee Members:

The Maryland Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists (the “Board”) is submitting this Letter of Concern for Senate Bill 183 (SB 183) – Audiology and Speech-Language Pathology Interstate Compact.

SB 183, as written, serves to enter the professions of Audiology and Speech-Language Pathology into an Interstate Compact (“Compact”). Participation in this Compact facilitates the goal of improving public access to Audiology and Speech-Language Pathology services by providing for mutual recognition of other member state licenses. In doing so, the bill helps to regulate multistate Audiology and Speech-Language Pathology services, enhancing the ability of states to protect the public’s health and safety. Additionally, the bill strengthens the support of telehealth technology and lessens the burden on relocating active duty military personnel and/or their spouses, ultimately facilitating increased public access to Audiology and Speech-Language Pathology services.

The bill addresses the critical need for providing telehealth services to those outside of a licensee’s home state by doing away with the need to obtain additional licenses. In essence, by removing the requirement to obtain a license outside of an individual’s home state, the compact enables public citizens residing in rural areas with limited clinic access, to receive more immediate care.

The concerns that the Board have include the following:

1. Lack of clarity on which laws would supersede in the event of disciplinary action against a Maryland licensee.

In Section 7 it states: “ADVERSE ACTIONS, (3), ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION AGAINST AN AUDIOLOGIST’S OR A SPEECH-LANGUAGE PATHOLOGIST’S LICENSE ISSUED BY THE HOME STATE.” Additionally, in (3)(B) it says: “...THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.” Conversely, in Section 14(B), it states: “BINDING EFFECT OF COMPACT AND OTHER LAWS, ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.”

2. Lack of clarity regarding acceptable forms of criminal records history requirements.

The compact language requires that a home state issuing licenses recognized by the Compact should implement “procedures for considering criminal history” of an applicant. We do not know if these would comport with Maryland’s procedures or priorities. Maryland requires live scanned fingerprint data only, which is the most complete data to use for the purpose of obtaining a comprehensive criminal records history. All states are required to use “biometric data” which may or may not include fingerprints. (Presumably, a state could require only a check of a DNA database) Ultimately, even though an FBI check is required, another state may have different ideas about what to do with the results of that check.

3. Sharing investigative materials and “adverse action” information.

The requirement that any investigation (as opposed to just public discipline) be shared with compact member states violates several provisions of the Public Information Act. Due to the superseding clause, the Compact would override State law.

4. Commission’s database.

Similarly, the provision that the Commission shall keep a database that includes Adverse Actions and investigations violates the Public Information Act. The bill’s definition of “adverse actions” could be read (broadly) to include letters of admonishment, which our Board does not make public.

5. Supersedes Maryland law.

Finally, as the compact is written, the Board’s biggest concern is that the compact supersedes Maryland law in many ways (including the Public Information Act and hiring of non-violent ex-offenders’ provisions, for example), and may operate to waive sovereign immunity.

For these reasons, the Board respectfully requests the Committee consider the applicability of

SB 183 in relation to the Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists. If you would like to discuss this matter further, please contact the Board of Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists Executive Director, Candace Robinson, at (443) 915-7981 or candace.robinson@maryland.gov.

Sincerely,

A handwritten signature in black ink that reads "Candace G. Robinson, Au.D." with a small horizontal line at the end of the name.

Candace G. Robinson, Au.D.
Board Executive Director

cc: Senator Ronald N. Young
Senator Jim Rosapepe

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.