



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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February 2, 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 72- Open Meetings Act – Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021) - 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 72 (SB 72) – Open Meetings Act – Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021).

Currently, all health occupations boards, in compliance with the Open Meetings Act (pursuant to General Provisions Article, Title 3, Annotated Code of Maryland), hold regularly scheduled board meetings that are open to the public, and the dates are posted on their website well in advance; along with meeting agendas. Minutes are also made available to the public once voted on and approved by the Board.

While the Board recognizes the positive intent of the bill to provide the public with transparency by amending the Public Information Act, the majority of health occupations boards have the following privacy, fiscal, and administrative concerns:

**1. On page 6, lines 1-7 regarding §3-302.1(C)(2): The requirement to post agenda meeting documents in addition to the agenda within 48 hours of a public Board meeting.**

The Board is concerned that the requirement to provide all meeting materials on the Board’s website would be an administrative burden on staff. By providing these materials, particularly during legislative session, this requirement may create a significant increase in public input regarding various bills, increase board meeting time significantly, and potentially discourage board members from serving due to the extended time of meetings. Additionally, as “all meeting materials” are not defined in this bill, they could arguably include draft documents such as regulations, policies, etc., that would not typically be disclosable under the Public Information Act.

**2. On page 7, lines 8-15 regarding §3-306(C)(2)(i) and (ii) requires a public body to publicly make available on its website live video or audio streaming for a minimum of 1 year after the date of the meeting.**

Not all of the health occupations boards, under normal in-person settings, typically record their open meeting sessions. Additionally, once the boards are able to resume in-person meetings, there will be an additional cost to have technology installed in the meeting rooms to live stream and/or conduct audio recordings which would most likely be a fiscal burden on the boards. The Board will also incur administrative and IT staff costs that are not able to be quantified at the moment.. For example, the existing WIFI in the meeting rooms at Patterson Avenue is unreliable and spotty at best, so this would require an upgrade.

Additionally, during the state of emergency, boards are meeting via teleconference and video conference platforms which do record open sessions. However, they are limited to how they can be shared and the cost of implementing technology to make this possible is unknown.

**3. The requirement to allow live streaming and recording of the Board's members opens up significant concerns regarding the privacy of Board members.**

Board members, also known as appointed volunteers, are understandably concerned for their privacy. Although the live streaming technology may only allow for the viewing of public meeting videos, and not their downloading, it is concerning to Board members that one could simply record the public meeting with another device, download it, edit it and post it in any way desired on social media platforms or other. This concern could certainly hinder the Board's ability to recruit members for appointment, and potentially cause current Board members to feel the need to resign and/or not want to be reappointed due to these privacy concerns.

For these reasons, the Maryland Board of Examiners of Audiologists, Hearing Aid Dispensers, & Speech-Language Pathologists, the Board of Pharmacy, the Board of Nursing, the Board of Dental Examiners, the Board of Physical Therapy Examiners, the Board of Examiners in Optometry, the Board of Massage Therapy Examiners, the Board of Chiropractic Examiners, the Board of Dietetic Practice, the Board of Acupuncture, the Board of Podiatric Medical Examiners, the Board of Professional Counselors and Therapists, the Board of Examiners of Psychologists, and the Board of Social Work Examiners respectfully ask that you strongly consider this information and the fact that the process currently in place is more than sufficient. As such, the boards urge an unfavorable report on SB 72.

For more information, please contact Candace Robinson, Executive Director, Board of Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists at (443) 915-7981 or [candace.robinson@maryland.gov](mailto:candace.robinson@maryland.gov), or, Lillian Reese, Legislative Coordinator for Boards & Commissions, at 443-794-4757 or [lillian.reese@maryland.gov](mailto:lillian.reese@maryland.gov).

Sincerely,

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

*The opinion of the Boards expressed in this document do not necessarily reflect that of the Department of Health or the Administration.*