

## **Title 10**

### **MARYLAND DEPARTMENT OF HEALTH**

#### **Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, SPEECH-LANGUAGE PATHOLOGISTS, AND MUSIC THERAPISTS**

##### **Chapter 01 Collection of Fees**

Authority: Health Occupations Article, §§2-205 and 2-206, Annotated Code of Maryland

##### **.01 Scope.**

This chapter governs all persons licensed as audiologists, audiology assistants, hearing aid dispensers, speech-language pathologists, speech-language pathology assistants, or music therapists in the State.

##### **.02 Fees.**

- A. Application fee for full audiology, speech-language pathology license ... \$150
- B. Hearing aid dispenser examination fee ... \$150
- C. Repeat hearing aid dispenser written examination ... \$100
- D. Waiver of hearing aid dispenser written examination ... \$100
- E. Biennial renewal of license fee ... \$250
- F. Biennial renewal of dual audiology/speech-language pathology license fee ... \$400
- G. Late fee for renewal of license ... \$100
- H. Application fee for Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) privileges ... \$100
- I. Reinstatement of expired license:
  - (1) Fee to reinstate an expired license where the licensee did not actively practice in another state ... \$200;
  - (2) Fee to reinstate an expired license where the licensee was actively licensed and practicing in another state ... \$50
- J. Application fee for limited audiology or speech-language pathology license ... \$100
- K. Application fee for hearing aid dispenser limited license and examination ... \$150
- L. Renewal of limited license fee ... \$25
- M. Physical copy of registration certificate ... \$5
- N. Physical copy of wall certificate ... \$25
- O. Application fee for full speech-language pathology assistant or audiology assistant license ... \$100
- P. Application fee for limited speech-language pathology assistant license ... \$100

Q. Biennial renewal of full speech-language pathology assistant or audiology assistant license fee ... \$100

R. Renewal of limited speech-language pathology assistant license fee ... \$25

S. Verification of license fee ... \$25

T. Returned check fee ... \$25

U. Speech-language pathologists roster fee ... \$75

V. Audiologists roster fee ... \$55

W. Hearing aid dispensers roster fee ... \$55

X. Music therapists roster fee ... \$55

Y. Inactive status fee ... \$25

Z. Reactivation fee ... \$50 in addition to renewal fee and Maryland Health Care Commission fee

### **.03 Changes in Fees.**

A. Fees are subject to change by action of the Board. All licensees and applicants will be notified of changes.

B. Application forms should be requested from the Board of Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.

### **.04 Fee Exceptions.**

An audiologist, hearing aid dispenser, speech-language pathologist, or music therapist who holds a current license is exempt from paying the license verification fee.

### **.05 Refunds, Proration, Prohibition.**

Fees paid to the Board are nonrefundable and may not be prorated.

## **Chapter 02 Code of Ethics**

Authority: Health Occupations Article, §§1-212, 2-205 and 2-314, Annotated Code of Maryland

### **.01 Scope.**

This chapter governs individuals licensed as audiologists, audiology assistants, hearing aid dispensers, speech-language pathologists, speech-language pathology assistants, or music therapists in the State.

### **.02 Ethical Responsibilities.**

A. The licensee shall consider paramount the welfare of individuals served professionally.

B. Necessary Training. The licensee shall:

(1) Obtain proper training for the services the licensee provides; and

(2) Be prepared to document, at the request of the Board, any training obtained.

### C. Professional Conduct.

(1) The licensee may not be represented by titles which are not consistent with training.

(2) The licensee shall follow acceptable patterns of professional conduct in relationship with the individuals served and engage in only the aspects of the profession that are within the scope of the licensee's competence.

(3) The licensee may not guarantee the result of a speech-language or hearing consultation or therapeutic procedure. A guarantee of any sort expressed or implied, oral or written, is contrary to professional ethics. The licensee may make a reasonable statement of the anticipated results, but, because successful results are dependent on many factors, a warranty is deceptive and unethical.

(4) The licensee may not diagnose or treat individual speech or hearing disorders by correspondence. This does not preclude follow-up by correspondence with individuals previously seen. It also does not preclude providing the persons served professionally with general information of an educational nature.

(5) The licensee may not reveal to unauthorized persons professional or personal information about the individual professionally served without appropriate permission from that individual, unless required by law.

(6) The licensee may not exploit individuals served professionally by:

(a) Accepting them for treatment when benefit cannot reasonably be expected to accrue;

(b) Continuing treatment unnecessarily;

(c) Charging for services not rendered;

(d) Failing to fully inform the individual served of the nature and possible effects of services rendered, or products dispensed, or both;

(e) Misrepresenting services rendered, or products dispensed, or both; or

(f) Failing to obtain informed consent to use the individual served for research or as subjects of teaching demonstrations.

(7) Licensees may not refuse to treat based upon:

(a) Race;

(b) Religion;

(c) Color;

(d) Age;

(e) National origin;

(f) Marital status;

(g) Sexual orientation;

(h) Gender identity; or

(i) Disability.

D. The licensee shall use every resource available, including referral to other specialists as needed, to effect maximal improvements in the individuals served.

E. The licensee shall take every precaution to avoid harm to the individual served professionally.

F. Sexual Misconduct.

(1) An audiologist, audiology assistant, hearing aid dispenser, speech-language pathologist, speech-language pathology assistant, or music therapist may not engage in sexual misconduct in the practice of audiology, hearing aid dispensing, speech-language pathology, or music therapy.

(2) Sexual misconduct includes, but is not limited to:

(a) Sexual behavior with an individual served in the context of a professional evaluation, treatment, procedure, or other service to the client or patient, regardless of the setting in which the professional service is provided;

(b) Sexual behavior with an individual served under the pretense of diagnostic or therapeutic intent or benefit;

(c) A sexual relationship, whether consensual or non-consensual, with an individual served;

(d) Making sexual advances toward an individual served or requesting sexual favors;

(e) Therapeutically inappropriate or intentional touching in a sexual manner of an individual served;

(f) Physical contact of a sexual nature with an individual served;

(g) Therapeutically unnecessary discussion of sexual matters or other verbal conduct of a sexual nature while treating the individual being served;

(h) Directly or indirectly watching the individual served while the individual is undressing or dressing when it is not part of the therapeutic process;

(i) Taking, for sexual purposes, photographs or video- tapes of an individual served;

(j) Sexual harassment of staff or students; or

(k) Sexual contact with an incompetent or unconscious individual being served.

G. Penalties. Violation of Regulation .02 may result in Board action to reprimand the licensee, place the licensee on probation, or suspend or revoke the licensee's license. The Board may also impose a penalty not exceeding \$5,000.

**.03 Advertising.**

A. The licensee may not include statements in advertising that:

(1) Misrepresent facts;

(2) Are likely to mislead or deceive because in context the statements make only a partial disclosure of relevant facts;

(3) Are intended to or are likely to create false or unjustified expectations of favorable results;

(4) Relate to fees without reasonable disclosure of all relevant variables so that the statement would not be misunderstood or be deceptive to laypersons;

(5) Convey the impression that the licensee could influence improperly any public body, official, corporation, or any person on behalf of the individual served professionally;

(6) Contain representations or implications that in reasonable probability can be expected to cause an ordinarily prudent person to misunderstand or be deceived;

(7) Contain representations that the licensee is willing to perform a procedure which is illegal in Maryland or the United States; or

(8) Falsely disparage competitors, the competitors' products, or the competitors' methods of doing business.

B. A licensee may not use an agent, partnership, professional association, or health maintenance organization to implement actions prohibited by this regulation.

C. Solicitation. A licensee may not engage in solicitation including but not limited to in-person, telephone, or direct mail solicitation which:

(1) Amounts to fraud, undue influence, intimidation, or overreaching; or

(2) Contains statements which are prohibited under §A of this regulation.

#### **.04 Special Responsibilities.**

A. The licensee shall seek open professional discussion of all theoretical and practical issues, but avoid personal invective directed toward professional colleagues or members of allied professions.

B. The licensee shall guard against conflicts of professional interest.

C. The licensee may not enter into a commercial agreement that financially exploits an individual served professionally.

D. The licensee may not engage in commercial activities that conflict with the licensee's responsibilities to individuals served professionally.

E. In the licensee's professional relationships with colleagues or individuals served professionally, the licensee may not discriminate on the basis of:

(1) Race;

(2) Religion;

(3) Color;

(4) Age;

- (5) National origin;
- (6) Marital status;
- (7) Sexual orientation;
- (8) Gender identity; or
- (9) Disability.

F. The licensee may not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.

G. The licensee may delegate duties to support personnel under the supervision of the licensee if the delegated duties do not require the professional skill and judgment specific to the licensee's scope of practice.

H. The licensee shall:

(1) Maintain adequate records of professional services rendered and products dispensed, [and shall allow access to these records when appropriately authorized.] including:

- (a) A full written report outlining all diagnostic results and any recommendations;
- (b) Daily therapy notes such as subjective, objective, assessment, and plan (SOAP) log notes;
- (c) License number on written client reports and evaluations;
- (d) Progress reports; and
- (e) All documents related to referrals; and

(2) Allow access to these records when appropriately authorized.

I. The licensee shall withdraw from professional practice when substance abuse or emotional, mental, or physical disability may adversely affect the quality of services rendered.

J. The licensee who has reason to believe that another licensee has violated the Code of Ethics shall inform the Board.

K. The licensee shall cooperate fully with the Board in an investigation and adjudication of matters related to the Code of Ethics.

L. The licensee may not construe the failure to specify a particular responsibility or practice in this chapter as indicating that the responsibility or practice is not equally as important as those specified. An act that is in violation of the spirit and purpose of the Code of Ethics constitutes unprofessional conduct and may result in disciplinary action against the licensee under Health Occupations Article, §2-314, Annotated Code of Maryland.

### **Chapter 03 Licensure and Continuing Education**

Authority: Health Occupations Article, §§2-205, 2-302, 2-302.2, 2-304, 2-305, 2-308, 2-310, 2-310.2, 2-311(c), 2-312(b), 2-314(11), and 2-314.9, Annotated Code of Maryland

#### **.01 Scope.**

These regulations govern an individual practicing as a speech-language pathologist or audiologist, or both, in Maryland.

## **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Accredited educational institution” means:

(a) A college or university located in the U.S. whose program has been accredited by a national accrediting association recognized by the:

(i) Council for Higher Education Accreditation; or

(ii) United States Department of Education; or

(b) A college or university located outside the U.S. whose program has met the standards for certification of the governing educational body that is regulated by the government of the country where the college or university is located.

(2) “Board” means the Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.

(3) “Credit” means 1 semester hour except when specified in these regulations. “Credit” is used only with reference to fulfilling academic requirements for original licensure application.

(4) “Continuing education unit (CEU)” means a period of 60 minutes for a licensee's direct participation in an approved continuing education experience. “Continuing education unit (CEU)” is used only with reference to fulfilling requirements for renewal of full licensure.

(5) “Examination” means the National Examination in Speech-Language Pathology or the National Examination in Audiology.

(6) “Oral competency” means the demonstration of general English-speaking proficiency by receiving a passing score on a standardized test that the Board has approved.

(7) “Pro bono work” means work provided within the State within the scope of practice of the licensee that is performed without financial reimbursement or direct financial gain.

## **.03 Licensure Requirements.**

A. Limited Licensure.

(1) A person who has met all requirements for licensure except supervised post-graduate professional experience or examination, or both, may apply for limited licensure.

(2) An individual seeking limited licensure shall fulfill the following requirements:

(a) Hold a master's degree in speech-language pathology or a doctoral degree in audiology, or both, from an accredited educational institution having a graduate or doctoral program in either field;

(b) Have met the academic and practicum requirements for a Certificate of Clinical Competence of the American Speech-Language-Hearing Association or Board Certification in

Audiology from the American Board of Audiology that were in effect at the time a master's degree in speech pathology or doctoral degree in either field was obtained; and

(c) Demonstrate oral English competency as follows:

(i) Completion of at least 60 credits from an undergraduate college or university where English was the language of instruction throughout the applicant's inclusive dates of attendance; or

(ii) Achievement of a minimum score of 105, with at least a 26 on Speaking and Listening, on the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

(3) Application.

(a) An individual applying for limited licensure shall submit a complete application.

(b) The Board shall determine whether an application is complete.

(c) A complete application shall include:

(i) The application fee;

(ii) All required documentation regarding supervision of the limited licensee; and

(iii) An official transcript from the accredited educational institution attended by the applicant.

(4) Upon approval of an application, the Board shall issue a document authorizing the applicant to practice in this State in accordance with Health Occupations Article, §2-306, Annotated Code of Maryland, and the regulations in this chapter.

B. Supervision of Professional Experience for Audiologists.

(1) Supervisory Plan for Audiologists.

(a) Each applicant shall submit to the Board for approval a description of the supervisory plan to be followed during the period of limited licensure.

(b) The plan shall show adequate supervision, in accordance with this chapter.

(c) The Board may accept completion of the clinical fellowship required for the American Speech-Language-Hearing Association Certificate of Clinical Competence or completion of the mentored practice required for American Board of Audiology Certification as meeting the requirements for supervised practice in this chapter.

(2) Unless an exception is approved by the Board for extenuating circumstances, an applicant shall begin the clinical training within 2 years after completion of the academic course work and academic clinical practicum requirements and shall complete the clinical training within 24 months.

(3) To complete a clinical training, the applicant shall be employed as a professional in the field of audiology under appropriate on-site direct supervision for not less than 9 months with a minimum of 36 hours of work per week. This requirement may also be met with part-time employment as follows:



- (a) 14—16 hours a week for a period of 24 months;
- (b) 17—20 hours a week for a period of 18 months;
- (c) 21—24 hours a week for a period of 15 months;
- (d) 25—35 hours a week for a period of 12 months.

(4) At least 80 percent of the applicant's employment during the clinical training shall be in direct client contact which includes:

- (a) Assessment/diagnosis/evaluation;
- (b) Screening, response to intervention (RTI), or observations of clients;
- (c) Treatment, such as:
  - (i) Hearing device fitting;
  - (ii) Diagnostic assessment; and
  - (iii) Rehabilitation; and
- (d) Activities related to client management including:
  - (i) Writing reports and notes;
  - (ii) Billing;
  - (iii) Making rounds; and

(iv) Attendance at an individualized education program (IEP), individualized family service plan (IFSP) meeting, or other meetings related to the management of a client's diagnosis and treatment plan.

(5) An individual serving as a supervisor:

(a) Shall hold a valid license issued by the Board in audiology, or if the supervisor is employed by a facility whose employees qualify for an exemption from licensure the Certificate of Clinical Competence of the American Speech-Language-Hearing Association in audiology or Board Certification in Audiology from the American Board of Audiology;

(b) Shall have been in practice for a minimum of 3 years after completion of the clinical training;

(c) Shall supervise not more than three limited licensees at one time; and

(d) May not have been formally disciplined by the Board within the previous 5 years.

(6) An individual serving as a supervisor of a limited licensee is legally and ethically responsible for services provided or omitted by the limited licensee.

(7) Change in Supervisor or Place of Professional Employment.

(a) During the period of limited licensure, if an individual changes supervisor, or place of professional employment, or both, the individual shall submit a revised supervisory plan to the Board for Board approval.

(b) The Board shall approve the new supervisor or the new setting before the individual may begin to practice under the new supervisor or in the new setting.

(8) A supervisor shall notify the Board within 5 days if the supervisor withdraws from supervising a limited licensee.

#### C. Supervision of Clinical Fellowship for Speech Pathologists.

##### (1) Supervisory Plan for Speech Pathologists.

(a) An applicant shall submit to the Board for approval a description of the supervisory plan to be followed during the period of limited licensure.

(b) The plan shall show adequate supervision, in accordance with this chapter.

(c) The Board may accept completion of the clinical fellowship required for the American Speech-Language-Hearing Association Certificate of Clinical Competence as meeting the requirements for supervised practice in this chapter.

(2) Unless an exception is approved by the Board for extenuating circumstances, an applicant shall:

(a) Begin the clinical fellowship within 2 years after completion of the academic course work and clinical practicum requirements; and

(b) Complete the clinical fellowship within 24 months.

(3) To complete a clinical fellowship, the applicant shall be employed as a professional in the field of speech-language pathology under appropriate supervision for not less than 9 months with a minimum of 30 hours of work per week. This requirement may also be met with part-time employment as follows:

(a) 15—19 hours a week for a period of 18 months;

(b) 20—24 hours a week for a period of 15 months; or

(c) 25—29 hours a week for a period of 12 months.

(4) At least 80 percent of the applicant's employment during the clinical fellowship shall be in direct client contact, which includes:

(a) Assessment/diagnosis/evaluation;

(b) Screening, response to intervention (RTI), or observations of clients;

(c) Treatment, such as:

(i) Diagnostic assessment; and

(ii) Rehabilitation; and

(d) Activities related to client management, including:

(i) Writing reports and notes;

(ii) Billing;

(iii) Making rounds; and

(iv) Attendance at an individualized education program (IEP), individualized family service plan (IFSP) meeting, or other meetings related to the management of a client's diagnosis and treatment plan.

(5) An individual serving as a supervisor:

(a) Shall hold a valid license issued by the Board in speech pathology, or if the supervisor is employed by a facility whose employees qualify for an exemption from licensure the Certificate of Clinical Competence of the American Speech-Language-Hearing Association in speech pathology;

(b) Shall have been in practice for a minimum of 2 years after completion of the clinical fellowship;

(c) May not supervise more than three limited licensees at one time;

(d) May not have been formally disciplined by the Board within the previous 5 years; and

(e) Shall provide a minimum of 4 hours per month for at least 9 months of supervisory activities during the clinical fellowship to include a minimum of 2 hours of other monitoring activities each month.

(6) An individual serving as a supervisor of a limited licensee is legally and ethically responsible for services provided or omitted by the limited licensee.

(7) Change in Supervisor or Place of Professional Employment.

(a) During the period of limited licensure, if an individual changes supervisor, or place of professional employment, or both, the individual shall submit a revised supervisory plan to the Board for Board approval.

(b) The Board shall approve the new supervisor or the new setting before the individual may begin to practice under the new supervisor or in the new setting.

(8) A supervisor shall notify the Board within 5 days if the supervisor withdraws from supervising a limited licensee.

#### D. Full Licensure.

(1) Licensure Requirements for Audiologists.

(a) An individual may apply for full licensure if the individual fulfills all of the following requirements:

(i) The individual holds a current unsuspended and unrevoked certificate of licensure to practice audiology from another state or jurisdiction which was obtained by meeting requirements that are at least equivalent to the requirements of §D(2) of this regulation;

(ii) The individual has completed the academic requirements, the supervised on-site direct clinical experience, the examination requirements as set forth in §D(2) of this regulation, and submits evidence of the successful completion of the clinical training.

(b) The supervised post-graduate professional practice shall have been supervised by an individual who, at the time of supervision, held a valid audiology license issued by the Board, or if the supervisor is employed by a facility whose employees qualify for an exemption from licensure the Certificate of Clinical Competence of the American Speech-Language-Hearing Association or Board Certification in Audiology from the American Board of Audiology.

(c) The supervisor's license or certificate shall be in audiology.

(d) The applicant shall demonstrate oral English competency as follows:

(i) Completion of at least 60 credits from an undergraduate college or university where English was the language of instruction throughout the applicant's inclusive dates of attendance; or

(ii) Achievement of a minimum score of 105, with at least a 26 on Speaking and Listening, on the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

(2) Examination Requirements for Audiologists.

(a) An applicant shall have obtained a passing score on the National Examination in Audiology.

(b) If a passing score on the National Examination in Audiology was not obtained within the 5 years before applying for licensure, the applicant shall fulfill one or more of the following requirements as approved by the Board:

(i) Provide evidence that the applicant has practiced in audiology for 3 of the 5 years before applying for licensure;

(ii) Complete a period of supervised practice equivalent to that required of a limited licensee; or

(iii) Hold a current license in another state and submit proof of continuing education as stated in Regulation .06 of this chapter for the time period not practicing.

(3) A first time licensee, who has not held a full license in this State or another state for 1 full year, shall submit verification from the academic institution conferring the individual's degree attesting to the following:

(a) The academic course work completed by the individual applying for a license is consistent with the standards established by the Accreditation Commission for Audiology Education (ACAE) or the Council for Academic Accreditation (CAA); and

(b) The individual applying for licensure has completed 1,000 actual patient contact hours while working under direct on-site supervision.

(4) Licensure Requirements for Speech-Language Pathologists.

(a) An individual may apply for full licensure if the individual fulfills any of the following requirements:

(i) The individual holds a valid Certificate of Clinical Competence in speech-language pathology from the American Speech-Language-Hearing Association and meets the academic,

practicum, examination, and supervised professional practice requirements of this chapter and the requirements of §D(5) of this regulation;

(ii) The individual holds a current unsuspended and unrevoked certificate of licensure to practice speech-language pathology from another state or jurisdiction which was obtained by meeting requirements that are at least equivalent to the requirements of this State and that meet the requirements of §D(5) of this regulation; or

(iii) The individual has completed the academic requirements, the supervised direct clinical experience, the examination requirements as set forth in §D(5) of this regulation, and submits evidence of the successful completion of the clinical fellowship.

(b) The supervised post-graduate professional practice shall have been supervised by an individual who, at the time of supervision, held a valid speech-language pathology license issued by the Board, or if the supervisor is employed by a facility whose employees qualify for an exemption from licensure, the Certificate of Clinical Competence of the American Speech-Language-Hearing Association.

(c) The supervisor's license or certificate shall be in the area of speech pathology.

(d) The applicant shall demonstrate oral English competency as follows:

(i) Completion of at least 60 credits from an undergraduate college or university where English was the language of instruction throughout the applicant's inclusive dates of attendance; or

(ii) Achievement of a minimum score of 105, with at least a 26 on Speaking and Listening, the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

#### (5) Examination Requirements for Speech-Language Pathologists.

(a) An applicant shall have obtained a passing score on the National Examination in Speech-Language Pathology.

(b) If a passing score on the National Examination in Speech-Language Pathology was not obtained within the 5 years before applying for licensure, the applicant shall fulfill one or more of the following requirements as approved by the Board:

(i) Provide evidence that the applicant has practiced in speech-language pathology for 3 of the 5 years before applying for licensure;

(ii) Complete a period of supervised practice equivalent to that required of a limited license; or

(iii) Hold a current speech-language pathologist license in another state and submit proof of continuing education as stated in Regulation .06 of this chapter for the time period not practicing.

#### **.04 Fees for Licensure.**

The fees for licensure shall be nonrefundable and may not be prorated. A license shall become effective on the date of issue.

#### **.05 Renewal of Licensure.**

A. Limited Licensure. A limited license shall be effective for 1 year from the date of issue and may be renewed once for one additional year on Board approval. The Board will renew a limited license if the limited licensee:

- (1) Has not yet passed the national examination;
- (2) Has a part-time supervised post-graduate position requiring additional weeks of employment; or
- (3) Has a reason for renewal of the limited license that is acceptable to the Board.

#### **B. Full Licensure.**

- (1) A license shall be renewed on or before May 31 of the year in which it expires.
- (2) The applicant for license renewal is required to:
  - (a) Maintain evidence of satisfactory completion of continuing education requirements; and
  - (b) For an audiologist or hearing aid dispenser, submit proof of calibration for each audiometer in use within the previous 12-month period.
- (3) A licensee who fails to complete the continuing education requirements within the time frame specified under Regulation .06 of this chapter may be subject to:
  - (a) Informal or formal discipline for failure to meet the requirements; and
  - (b) A monetary fine not to exceed \$250.
- (4) A licensee shall undergo a new criminal records history check as set forth in Health Occupations Article, §2-303.1, Annotated Code of Maryland, every three renewal cycles or every 6 years.

C. Failure to Renew a License. A licensee who has failed to renew a license to practice in this State by June 30 of the year in which the license is due to be renewed is prohibited from practicing in this State.

D. If the Board determines that a licensee has practiced in this State after the license has expired, the Board may:

- (1) Order the licensee to immediately cease and desist practice in this State until the license has been reinstated by the Board; and
- (2) Take action as follows against a licensee for unprofessional conduct if it determines that the licensee practiced in this State after the license has expired:
  - (a) Provide the licensee with a settlement conference; or
  - (b) Charge the licensee with unprofessional conduct as provided in Health Occupations Article, §2314(10), Annotated Code of Maryland, for practicing without a license.

#### **.06 Continuing Education.**

A. Required Continuing Education Units.

(1) Within the 2-year renewal period immediately preceding the licensee's application for renewal, the licensee shall earn 30 continuing education units (CEUs) as follows:

(a) A minimum of 20 CEUs in the area of licensure that includes a minimum of 1 CEU in each of the following areas:

- (i) Cultural competency; and
- (ii) Ethics;

(b) No more than 10 CEUs in areas related to speech-language pathology or audiology or both, including practice management, that includes:

- (i) Supervision;
- (ii) Billing; and
- (iii) Interdisciplinary collaboration; and

(c) Related training that does not include annual training requirements for:

- (i) Job orientation;
- (ii) Job maintenance; or
- (iii) Other general training or information related to human health.

(2) It is recommended that a licensee applying for the renewal of a license successfully complete, within the 2-year licensing period as a part of the required 30 hours of Board-approved continuing education programs, a minimum of 2 CEUs in the area of supervision.

(3) Within the 2-year renewal period immediately preceding the licensee's application for renewal, an individual licensed as both an audiologist and a speech-language pathologist shall earn 40 CEUs as follows:

(a) A minimum of 15 CEUs in each area of licensure that includes a minimum of 1 CEU in each of the following areas:

- (i) Cultural competency; and
- (ii) Ethics;

(b) No more than 10 CEUs in areas related to speech-language pathology and audiology, including practice management, that includes:

- (i) Supervision;
- (ii) Billing; and
- (iii) Interdisciplinary collaboration; and

(c) Related training that does not include annual training requirements for:

- (i) Job orientation;

(ii) Job maintenance; or

(iii) Other general training or information related to human health.

(4) It is recommended that a licensee applying for the renewal of a license successfully complete, within the 2-year licensing period as a part of the required 30 hours of Board-approved continuing education programs, a minimum of 2 CEUs in the area of supervision.

(5) The Board shall notify the licensee 60 days before the date the license expires.

#### B. Time Period for CEUs.

(1) An audiologist licensee shall complete the required CEUs within the 2-year renewal period.

(2) A speech-language pathologist licensee shall complete the required CEUs within the 2-year period immediately preceding the license expiration.

(3) An individual licensed as both an audiologist and a speech-language pathologist shall complete the required CEUs within the 2-year period immediately preceding the license expiration.

(4) Continuing education units may not be carried over from one renewal period to the next.

(5) If the licensee presents evidence that failure to obtain the required CEUs was due to circumstances beyond the licensee's control, the Board may grant an extension of time to obtain the required CEUs.

(6) If the Board grants an extension of time to obtain the required CEUs, the Board may require the licensee to obtain, as additional CEUs, not more than twice the number of missing credits in order to renew the license.

(7) The Board may reduce or waive the continuing education requirements for an individual under extenuating circumstances.

(8) The Board shall waive all continuing education requirements for a speech-language pathologist or audiologist obtaining full licensure within 6 months of the renewal cycle. This includes newly licensed individuals, reinstatements, and transfers from other states.

(9) Continuing education units shall be prorated for licensees holding a full license for at least 6 months but less than 2 years during the renewal cycle. This includes newly licensed individuals, reinstatements, and transfers from other states.

#### C. Approval of Continuing Education Programs.

(1) The Board shall establish a committee to evaluate and approve continuing education programs.

(2) Providers of continuing education shall give a participant a certificate of completion which includes the following information:

(a) Date of completion;

(b) Course title;



- (c) Name of participant;
- (d) Name of provider; and
- (e) Number of hours.

(3) Not later than 30 days before a program, a provider of continuing education shall submit to the Board a:

(a) Request for approval of the program, using the form available on the Board's website; and

(b) Biography for each course presenter.

(4) Individual Approval of Program.

(a) If a provider has not requested prior approval of a program, a licensee may apply to the Board for approval of continuing education units for the program, using the approved form available on the Board's website.

(b) Not later than 30 days after a program, the licensee shall submit to the Board a request for approval of continuing education units for individual participation, using the approved form available on the Board's website.

(c) If the activity directly concerns the practice of speech-language pathology or audiology, the licensee is not required to submit a request for approval of the program to the Board.

(5) The following are examples of areas in which CEUs may be earned in activities concerning speech-language pathology and audiology:

(a) Academic course work in areas of speech-language pathology or audiology, or both, or related disciplines, taken at accredited colleges or universities where, along with the submission of an unofficial transcript and course description :

- (i) 15 CEU credit hours will be awarded for each 3 credit course earned;
- (ii) 10 CEU credit hours will be awarded for each 2 credit course earned; or
- (iii) 5 CEU credit hours will be awarded for each 1 credit course earned;

(b) Lectures and scheduled courses or workshops at local, regional, national, or international conferences concerning speech-language pathology or audiology, or both;

(c) Attendance at lectures, workshops, or in-service programs;

(d) Other professional activities such as presentations, books, papers, or publications, where:

(i) 1 hour of CEU credit may be earned by the presenter for each hour of presentation of a program, with a maximum of 3 CEUs;

(ii) 10 hours of CEU credit may be earned for a professional or scientific paper prepared by the licensee or certificate holder, with a maximum per paper of 10 CEUs for the first author, 8 CEUs for the second author, 6 CEUs for the third author, and 4 CEUs for all other authors;

(iii) Authoring of a book chapter may earn a maximum of 10 CEUs, only in the year of publication; and

(iv) Editing or reviewing of a scientific or professional journal recognized by the Board, with a maximum of 8 CEUs for each year of service; or

(e) Attendance at regularly scheduled Board meetings where:

(i) 1 hour of an open session of a Board meeting equals 1 hour of continuing education credit; and

(ii) Not more than 5 hours of continuing education credit may be earned in a single continuing education cycle.

(6) Independent Study Activities.

(a) CEUs may be earned through independent study activities including:

(i) Professional journals which include post-tests to document completion;

(ii) Audio or video tapes of programs approved by the Board for continuing education credit with a post-test;

(iii) Internet programs approved by the Board for continuing education credit with a post-test; or

(iv) Other independent study activities approved by the Board.

(b) The licensee shall complete the post-test successfully for CEUs to be granted.

(c) If proof of passing the post-test is obtained, there is no limit on the number of credit hours that may be earned through independent study activities.

(7) Pro Bono Work.

(a) CEUs may be earned for pro bono work performed outside of a place of employment at the rate of 1 Maryland CEU per hour of Board-approved CEU activity, up to a maximum of 10 CEU credits in any single 2-year period.

(b) The licensee shall obtain approval from the Board for all pro bono work.

(c) The licensee shall provide the Board a written description of the proposed work not later than 60 days before beginning pro bono work. The description shall include:

(i) The place where the pro bono work will take place;

(ii) The type of work to be performed;

(iii) The number of hours of actual work to be performed for which the licensee desires CEU credit;

(iv) A description of how the work will enhance the licensee's ongoing education; and

(v) A statement guaranteeing that the licensee will not receive any financial gain from the work provided.

(d) The licensee shall submit a written statement to the Board from the facility verifying the number of pro bono work hours completed.

(e) CEU credit may not be granted for work that did not receive prior approval from the Board.

#### D. Documentation of CEUs.

(1) A licensee shall submit a signed form to the Board via mail or by electronic means attesting to the licensee's completion of the required CEUs at the time of license renewal.

(2) A licensee shall retain supporting documents for inspection by the Board for 4 years after the date of renewal.

(3) If a licensee submits the renewal form after the expiration date, the Board shall assess a late fee and may audit the licensee.

(4) Failure to meet continuing education requirements or failure to substantiate CEUs submitted upon request of the Board may result in suspension, revocation, or denial of licensure or other disciplinary action by the Board.

#### E. Continuing Education Audit Procedures.

(1) At each renewal period, the Board shall audit 10 percent of the renewal applications.

(2) The Board members shall be audited for the required CEUs.

(3) The Board shall send notification of audit to licensees to be audited.

(4) The licensee being audited shall submit to the Board official certificates or transcripts via mail or by electronic means showing evidence of the continuing education hours required for renewal by the date indicated on the audit notification.

(5) The Board may take formal disciplinary action against the licensee, if the licensee:

(a) Submits a false statement of continuing education; or

(b) Fails to submit the required documents by the date indicated on an audit notification.

#### F. Reactivation.

(1) If a license has been in an inactive status for no more than three 2-year renewal cycles of inactivity, the licensee may apply for reactivation of the inactive license.

(2) The Board shall reactivate the license if the speech-pathologist or audiologist:

(a) Submits to the Board satisfactory proof of completion of at least 30 hours of CEU activity for every 2-year cycle of inactivity; and

(b) Pays to the Board the renewal fee and the reactivation fee set by the Board.

#### G. Reinstatement Requirement.

(1) If a license has been expired for 5 years or less, a speech-language pathologist or audiologist may apply for reinstatement of the expired license.

(2) The Board shall reinstate the license if the speech-language pathologist or audiologist:

(a) Submits to the Board satisfactory proof of completion of at least 30 hours of CEU activity for every 2-year cycle of inactivity; and

(b) Pays to the Board the renewal fee and the reinstatement fee set by the Board.

#### H. Reapplication Requirement.

(1) The Board may not reinstate the license of a speech-language pathologist or audiologist who fails to apply for reinstatement of the license within 5 years after the license expires.

(2) The speech-language pathologist or audiologist whose license has been expired for more than 5 years may become licensed if the speech-language pathologist or audiologist:

(a) Meets the current requirements for obtaining a license;

(b) Submits to the Board satisfactory proof of completion of at least 30 hours of CEU activity for every 2-year cycle of inactivity, not to exceed 100 hours; and

(c) Pays to the Board the application fee set by the Board.

#### **.07 Licensee Responsibilities.**

A. A licensee shall notify the Board in writing of a change of:

(1) Mailing address within 30 days after the change;

(2) Name within 30 days after the change; or

(3) Email address within 30 days after the change if the licensee has previously submitted an email address to the Board.

B. A licensee who fails to comply with the requirements of this regulation may be subject to disciplinary action.

#### **.08 Incomplete Applications.**

A. If an incomplete application is submitted to the Board, the Board shall notify the applicant within 30 days after receipt of an incomplete application of the materials that are required.

B. An application is not complete until all required material, including the application fee and supporting documentation, is received by the Board.

C. If the applicant fails to provide the required documentation within 1 year of receipt of the initial receipt, the Board may administratively close the application.

D. An applicant whose application is administratively closed may reapply and submit with the new application proof of compliance with:

(1) This subtitle; and

(2) Health Occupations Article, Title 2, Annotated Code of Maryland.

### **Chapter 04 Rules of Procedure for Board Hearings**

Authority: Health Occupations Article, §§2-205, 2-313, and 2-315; State Government Article §10-206; Annotated Code of Maryland

## **.01 Scope.**

This chapter governs procedures for disciplinary matters and hearings before the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.

## **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Administrative law judge” means the hearing officer assigned to preside over a hearing in a case the Board has delegated to the Office of Administrative Hearings.

(2) “Administrative Procedure Act” means State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, which governs contested cases arising from charges brought by the Board.

(3) “Administrative prosecutor” means the attorney assigned by the Office of the Attorney General to prosecute disciplinary charges for the Board.

(4) means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.

(5) “Case resolution conference” means an informal, confidential meeting between the parties to a contested case and the Board's case resolution conference committee to discuss possible settlement of a disciplinary matter pending before the Board.

(6) “Case resolution conference committee” means a committee composed of one or more members of the Board that makes recommendations to the Board regarding settlement of disciplinary matters.

(7) “Cease and desist letter” means an informal action consisting of a nonpublic letter issued by the Board ordering:

(a) A licensee to cease a specified activity; or

(b) An unlicensed individual to cease the unauthorized practice of audiology, hearing aid dispensing, speech-language pathology, or music therapy.

(8) “Charging document” means a nonpublic document issued by the Board which:

(a) Alleges conduct by a licensee which the Board believes constitutes a violation under the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act;

(b) Sets forth provisions of the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act that the Board believes were violated; and

(c) Provides notice to the licensee of disciplinary proceedings before the Board.

(9) “Complaint” means a written allegation or other information received by the Board that a licensee may have violated the Maryland Audiologists, Hearing Aid Dispensers, Speech-

Language Pathologists, and Music Therapists Act and which may be grounds for an investigation or disciplinary action by the Board.

(10) “Consent order” means a public record issued by the Board that is a final order of the Board that has been negotiated and agreed to by both the licensee and the Board to resolve a disciplinary matter.

(11) “Contested case” means a proceeding conducted under the Administrative Procedure Act.

(12) “Disposition agreement” means a formal nonpublic agreement, entered into with an impaired licensee instead of formal disciplinary action, in which the licensee agrees to comply with certain conditions.

(13) “Final order” means a public record issued by the Board resolving a contested case either by consent or after an adjudication, which includes findings of fact, conclusions of law, and a disposition which:

- (a) Denies a license;
- (b) Sanctions by reprimand, probation, fine, or suspension or revocation of a license;
- (c) Summarily suspends a license;
- (d) Dismisses charges;
- (e) Surrenders a license; or
- (f) Takes any other action that the Board may do by law.

(14) “Imperatively requires emergency action” means a finding by the Board that an emergency action be taken against a licensee under State Government Article, §10-226(c)(2), Annotated Code of Maryland, based on investigative facts that raise a substantial likelihood of risk of harm to the public health, safety, or welfare before a full evidentiary hearing can be held.

(15) “Informal action” means that the Board closes a case without taking formal disciplinary action or without issuing a final order, by imposing a disciplinary sanction consisting of a:

- (a) Letter of education;
- (b) Letter of admonishment;
- (c) Cease and desist letter; or
- (d) Consent agreement.

(16) “Investigation” means the gathering of information to assist the Board in determining if there is reasonable cause to charge a licensee with a violation of the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act.

(17) Letter of Admonishment.

(a) “Letter of admonishment” means informal action consisting of a nonpublic letter issued by the Board closing a case, if the Board believes a licensee has engaged in conduct that violates

the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act, admonishing the licensee not to repeat the conduct.

(b) “Letter of admonishment” may include an agreement that licensee perform certain conditions instead of the Board taking formal disciplinary action.

(18) “Letter of education” means informal action consisting of a nonpublic letter to a licensee:

(a) Issued by the Board if the Board does not believe that conduct rose to the level of a violation of the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act; and

(b) In which the Board educates the licensee concerning the laws and standards of the practice of audiology, hearing aid dispensing, speech-language pathology, or music therapy.

(19) Letter of Surrender.

(a) “Letter of surrender” means a public letter accepted by the Board in which the licensee agrees to surrender the license to practice audiology, hearing aid dispensing, speech-language pathology, or music therapy.

(b) “Letter of surrender” may include conditions for the Board's acceptance of the surrender as a resolution of the case.

(20) “Licensure” means permission to engage in the practice of audiology, hearing aid dispensing, speech-language pathology, or music therapy which is evidenced by a license issued by the Board.

(21) “Maryland Audiologists, Hearing Aid Dispensers, Speech Language Pathologists, and Music Therapists Act” means Health Occupations Article, Title 2, Annotated Code of Maryland.

(22) “Notice of initial denial” means a nonpublic document issued by the Board by which an applicant or licensee is notified that the Board intends to deny a license, a change in licensure status, or some other benefit sought by the licensee.

(23) “Postdeprivation hearing” means a show cause hearing scheduled by the Board after the Board has issued an order for summary suspension under State Government Article, §10-226(c)(2), Annotated Code of Maryland, in which the licensee may challenge the Board's basis for issuing the order for summary suspension.

(24) “Predeprivation hearing” means a nonevidentiary, show cause hearing held before the Board at which the licensee has an opportunity to demonstrate to the Board why the Board should not:

(a) Issue an order for summary suspension under State Government Article, §10-226(c)(2), Annotated Code of Maryland; or

(b) Take some other action that the Board may take by law.

(25) “Preliminary investigation” means the gathering of information to be used by the Board to determine if the Board should dismiss a complaint or conduct further investigation to determine if there is reasonable cause to charge a licensee with a violation of the Maryland

Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act.

(26) “Probation” means a sanction imposed by the Board in a public final order in which the licensee is:

- (a) Monitored by the Board for a period of time; and
- (b) Required to comply with certain conditions to avoid further disciplinary action.

(27) “Prohibited act” means conduct specified in the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act which may result in sanctions or penalties.

(28) “Public record” means a document that the Board is permitted or required to disclose to the public under State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland.

(29) “Recommended decision” means a nonpublic document issued to the Board by an administrative law judge that sets out proposed findings of fact, proposed conclusions of law, proposed sanction, or any combination of them.

(30) “Recusal” means the disqualification of a member of the Board to participate in a proceeding because of interest, bias, or some other reason that may interfere with the Board member's participation in a case.

(31) “Respondent” means a licensee, subject to the jurisdiction of the Board, that has been:

(a) Given notice to answer allegations concerning violations of the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act;

(b) Notified as to a potential emergency suspension under State Government Article, §10-226(c), Annotated Code of Maryland; or

(c) Notified as to a potential violation of Health Occupations Article, §2-401, Annotated Code of Maryland.

(32) “Revocation” means the removal of an audiologist’s, hearing aid dispenser’s, speech-language pathologist’s, or music therapist’s license to practice audiology, hearing aid dispensing, speech-language pathology, or music therapy.

(33) “Sanction” means an action by the Board, including a:

- (a) Reprimand;
- (b) Placement on probation;
- (c) Fine; or
- (d) Suspension or revocation of a license.

(34) “Show cause hearing” means a nonevidentiary hearing before the Board in which the licensee has the opportunity to demonstrate to the Board why the Board should not issue a proposed order or take an action that the Board may take.



(35) “Stay” means the withholding of an action ordered by the Board which may be subject to certain conditions.

(36) “Summary suspension” means the indefinite suspension of a license under State Government Article, §10-226(c)(2), Annotated Code of Maryland, taken if the Board believes the action is necessary to protect the public health, safety, or welfare.

(37) “Surrender” means the voluntary relinquishing of a license to practice audiology, hearing aid dispensing, speech-language pathology, or music therapy that may be subject to certain conditions set by the Board.

(38) “Suspension” means a temporary denial of the right to use a license and is usually defined by:

- (a) A specific period of time;
- (b) Specific dates; or
- (c) Specific conditions.

(39) “Violation” means an act or omission prohibited under Health Occupations Article, §2-314, Annotated Code of Maryland.

### **.03 Confidentiality of Proceedings.**

A. Except as otherwise provided by law, the proceedings of the Board are confidential. The parties may not waive the confidentiality provided by this regulation.

B. The Office of Administrative Hearings' proceedings involving the adjudication of a Board-contested case and the administrative law judge's recommended decision are confidential. The respondent may not waive the confidentiality of the proceedings or of the patients whose medical records or care are reflected in the record of the proceedings.

C. To the extent possible, even after a final order is issued by the Board, the parties may not reveal legal documents, oral statements, or information that would reveal the identity of any patients referred to in the Board's order.

### **.04 Representation by Counsel.**

A. A respondent may be represented by counsel in any matter before the Board and at any stage of the proceedings.

B. If the matter goes to a hearing, the respondent shall be represented in proper person or by an attorney who has been admitted to the Maryland Bar or specially admitted to practice law under Maryland Rules, Rules Governing Admission to the Bar of Maryland, Rule 14, Annotated Code of Maryland.

C. In all proceedings, the Board may be represented by and obtain advice of counsel assigned to it by the Office of the Attorney General.

### **.05 Proceedings under Health Occupations Article, §2-314, Annotated Code of Maryland.**

A. Investigation of Complaints.

- (1) The Board may:

- (a) Make a preliminary review of each complaint; and
  - (b) Recommend that cases involving complaints over which the Board lacks jurisdiction be closed or referred to the appropriate agency.
- (2) The Board may send a copy of the complaint, either in its entirety or redacted, to the licensee that is the subject of the complaint, to obtain a response to the allegations made in the complaint.
- (3) Board subpoenas may be issued by the Board over the signature of the administrator.

#### B. Prosecution of Complaint.

(1) After reviewing any completed investigative information or reports for each complaint, the Board shall:

- (a) Dismiss the complaint;
- (b) Close the case with informal action;
- (c) Issue a cease and desist order;
- (d) Refer the matter for further investigation;
- (e) Refer the matter to an administrative prosecutor; or
- (f) Vote to:
  - (i) Charge a licensee with a violation of Health Occupations Article, §2-314, Annotated Code of Maryland;
  - (ii) Consider the matter as a basis for summary suspension under State Government Article, §10-226(c)(2), Annotated Code of Maryland;
  - (iii) Initially deny licensure or reinstatement of a license; or
  - (iv) Accept the surrender of a license subject to conditions acceptable to the Board.

(2) The Board may refer a complaint or other disciplinary matter to the administrative prosecutor at any time, regardless of whether the Board has voted to charge a licensee with violations of the Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act.

#### C. Charges and Notice of Initial Denial.

- (1) If the Board issues charges or a notice of initial denial, the document shall be:
- (a) Served upon the respondent by certified mail at the address the respondent is required to maintain with the Board;
  - (b) Hand-delivered in person; or
  - (c) Served by other means reasonable to effect service.
- (2) Charges or a notice of initial denial shall:
- (a) Inform the respondent of the statutory basis for the charges or denial of licensure;

(b) Allege sufficient facts which the Board believes constitute either a basis for:

(i) Violation of the Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act; or

(ii) Denial of licensure;

(c) Notify the respondent of:

(i) Any proceedings scheduled before the Board or of an opportunity to request a hearing within a certain period of time; and

(ii) The consequences of failing to appear for scheduled proceedings or failing to request a hearing; and

(d) Be accompanied by a letter of procedure notifying respondent of the applicability of the Administrative Procedure Act to the Board's proceedings.

(3) If the Board is unable to serve the charges or notice of initial denial upon the respondent as described in §C(1) of this regulation, the Board may nevertheless proceed in prosecuting the case.

(4) If the Board issues a notice of initial denial to an applicant for a license, the applicant may not withdraw the application without approval of the Board.

#### D. Discovery.

(1) Discovery on Request. By written request served on the other party and filed with the Board or the Office of Administrative Hearings, as appropriate, a party may require another party to produce, within 15 days, the following:

(a) A list of the witnesses to be called;

(b) Copies of all documents intended to be produced at the hearing; or

(c) Both §D(1)(a) and (b) of this regulation.

#### (2) Mandatory Discovery.

(a) Each party shall provide to the other party, not later than 15 days before the prehearing conference, if scheduled, or 45 days before the scheduled hearing date, whichever is earlier:

(i) The name and curriculum vitae of any expert witness that will testify at the hearing; and

(ii) A detailed written report summarizing the expert's testimony, which includes the opinion offered and the factual basis and reasons underlying the opinion.

(b) If the Board or the Office of Administrative Hearings, as appropriate, finds that the report is not sufficiently specific, or otherwise fails to comply with the requirements of §D(2)(a) of this regulation, the Board or the Office of Administrative Hearings, as appropriate, shall exclude from the hearing the testimony of the expert and any report of the expert.

(c) The Board or the Office of Administrative Hearings, as appropriate, shall consider and decide arguments on the sufficiency of the report:

(i) At the prehearing conference, if scheduled; or

(ii) Immediately before the scheduled hearing.

(d) If an expert adopts a sufficiently specific charging document as the expert's report, that adoption satisfies the requirements set forth in §D(2)(a)(ii) of this regulation.

(3) Parties are not entitled to discovery of items other than those listed in §D(1) and (2) of this regulation.

(4) Both parties have a continuing duty to supplement their disclosures of witnesses and documents.

(5) Absent unforeseen circumstances which would otherwise impose an extraordinary hardship on a party, witnesses or documents may not be added to the list:

(a) After the prehearing conference, if scheduled; or

(b) 15 or fewer days before the hearing, if no prehearing conference is scheduled.

(6) The prohibition against adding witnesses does not apply to witnesses or documents to be used for impeachment or rebuttal purposes.

(7) Construction.

(a) In hearings conducted by an administrative law judge of the Office of Administrative Hearings, this regulation shall be construed, if possible, as supplementing and in harmony with COMAR 28.02.01.

(b) In a conflict between this regulation and COMAR 28.02.01, this regulation applies.

#### E. Case Resolution Conference.

(1) After service of charges or notice of initial denial, the Board shall offer a respondent the opportunity for a case resolution conference.

(2) At any other time during disciplinary proceedings, the Board may offer or the respondent may request a case resolution conference to discuss a disciplinary matter.

(3) Except as provided in §E(1) of this regulation, the Board may deny a respondent's request for a case resolution conference.

(4) Matters admitted, revealed, negotiated, or otherwise discussed at a case resolution conference are without prejudice and may not be used by the respondent, administrative prosecutor, or the Board in any subsequent proceedings, unless the information is otherwise discovered or introduced by appropriate means.

(5) Recommendations of the case resolution conference committee are not binding on the Board, which may:

(a) Modify a proposed settlement;

(b) Require additional conditions; or

(c) Reject the recommendation and require the respondent to proceed to a hearing.

(6) If the respondent and the administrative prosecutor are unable to reach an agreement for settlement that is recommended by the case resolution conference committee and ratified by the Board, the matter shall proceed to a hearing on the charges or notice of initial denial.

(7) If the respondent disagrees with the recommendation of the case resolution conference committee, the respondent may elect to proceed to a hearing in the matter, regardless of whether the Board has ratified the recommendation of the case resolution conference committee.

(8) Participation in a case resolution conference is not ordinarily a basis for recusal of a Board member, Board counsel, or Board prosecutor from further proceedings in a case.

## **.06 Sanctions, Hearings, and Final Order.**

### **A. Surrender of License.**

(1) The Board may require conditions for surrender of a license, including:

(a) An admission of a violation of the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act;

(b) An admission of facts;

(c) A statement of the circumstances under which the surrender was offered or accepted;

(d) Restrictions on future licensure;

(e) Conditions for reinstatement of the license; or

(f) An agreement that the respondent may not apply for reinstatement of the license.

(2) Unless the Board determines that disclosure of the surrender is not in the public interest, a letter of surrender is a final order of the Board and is a public record under State Government Article, §10-611, Annotated Code of Maryland.

### **B. Hearings on Charges or Notice of Initial Denial.**

(1) Hearings shall be conducted under State Government Article, Title 10, Annotated Code of Maryland.

(2) The Board may delegate its authority to hear contested cases to the Office of Administrative Hearings on a case-by-case basis.

(3) Proceedings may not be open to the public.

(4) All records, including the recommended decision, shall be confidential and sealed.

(5) If a matter has been delegated to the Office of Administrative Hearings, the administrative law judge presiding over the proceedings shall issue to the Board a recommended decision containing:

(a) Proposed or final findings of fact;

(b) Proposed or final conclusions of law;

(c) A proposed sanction; or

(d) Any combination of §B(5)(a)—(c) of this regulation pursuant to the Board's delegation.

### C. Burden of Proof.

(1) An applicant or licensee issued a notice of initial denial by the Board has the burden to demonstrate by a preponderance of the evidence that the applicant or licensee is entitled to licensure or other benefit the Board has initially denied.

(2) The administrative prosecutor has the burden to demonstrate by a preponderance of the evidence that the licensee has committed a violation or violations of the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act .

### D. Exceptions and Exceptions Hearing.

(1) If a matter has been delegated by the Board to the Office of Administrative Hearings, a party may file exceptions to the administrative law judge's proposed findings of fact, proposed conclusions of law, and proposed sanction, as set out in the recommended decision, before the Board makes a final decision.

(2) Unless otherwise permitted by the Board, within 15 days after the issuance of the recommended decision, or as otherwise specified by the administrative law judge in the recommended decision, either party may file written exceptions with the Board.

(3) Unless otherwise permitted by the Board, a party's written exceptions may not be longer than 25 double-spaced pages, and shall state with particularity the finding of fact, conclusion of law, or other matter excepted to, and the relevant portions of the record supporting the party's exception.

(4) Unless otherwise permitted by the Board, within 10 days after a party's exceptions are filed with the Board, the opposing party may file an answer to exceptions.

(5) Unless otherwise permitted by the Board, a party's answer to exceptions may not be longer than 25 double-spaced pages, and shall state with particularity a response to an exception and the relevant portions of the record supporting that response.

(6) Unless otherwise permitted, the Board may not consider a party's response to an answer to exceptions.

(7) Unless otherwise agreed by the parties and permitted by the Board, an exceptions hearing shall be scheduled for the next meeting of the Board after receipt of the parties' exceptions and any answer to exceptions.

#### (8) Exceptions Hearing.

(a) An exceptions hearing shall be held before the Board.

(b) The hearing shall be a nonevidentiary hearing to provide the parties with an opportunity for oral argument on the exceptions and answers to exceptions.

(c) The Board member presiding at the hearing shall determine all procedural issues and may impose reasonable time limits on each party's oral argument.

(d) The presiding Board member shall make rulings reasonably necessary to facilitate the effective and efficient progress of the hearing.

(e) The respondent and the administrative prosecutor each may not exceed 30 minutes to present oral argument.

(f) The party who filed the exceptions shall proceed first and may reserve part of the allotted time for rebuttal.

(9) Unless otherwise agreed by the parties and permitted by the Board, the parties may not, in an answer to exceptions or in the hearing on exceptions, reference any document or other evidence or offer an exhibit that is outside the record of the evidentiary hearing before the administrative law judge.

(10) If neither party files exceptions within the time specified in §D(2) of this regulation, the Board shall consider only the recommended decision of the administrative law judge and the record of the evidentiary hearing in making its final decision.

#### E. Board Final Decision and Order.

(1) After review of the record and deliberation, the Board shall issue a final order consisting of findings of fact, conclusions of law, and the sanction or disposition to be imposed.

(2) Upon a finding that there has been a violation of the Maryland Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists Act, the Board may order that the licensee be fined, reprimanded, placed on probation, or the license suspended or revoked.

#### **.07 Summary Suspension of a License.**

A. Pursuant to its authority under State Government Article, §10-226(c)(2), Annotated Code of Maryland, the Board shall order the summary suspension of a license if the Board determines that there is a substantial likelihood that a licensee poses a risk of harm to the public health, safety, or welfare.

#### B. Notice of Intent to Summarily Suspend.

(1) Based on information gathered in an investigation or otherwise provided to the Board, the Board may vote to issue:

- (a) A notice of intent to summarily suspend a license; or
- (b) An order of summary suspension.

(2) If the Board votes to issue a notice of intent to summarily suspend a license or an order of summary suspension, the Board shall refer the matter to an administrative prosecutor for prosecution.

(3) A notice of intent to summarily suspend a license shall include:

(a) A proposed order of summary suspension which is unexecuted by the Board and includes:

- (i) The statutory authority on which the action has been taken;
- (ii) Allegations of fact that the Board believes demonstrate a substantial likelihood that the licensee poses a risk of harm to the public health, safety, or welfare; and

(iii) Notice to the respondent of the right to request a full hearing on the merits of the summary suspension if the Board executes the proposed order of summary suspension; and

(b) An order or summons to appear before the Board to show cause why the Board should not execute the order of summary suspension and which notifies the respondent of the consequences of failing to appear.

(4) Service.

(a) The Board shall serve a respondent with a notice of intent to summarily suspend a license not later than 5 days before a predeprivation show cause hearing is scheduled before the Board.

(b) Service of the notice of intent to summarily suspend shall be made:

(i) Personally upon the respondent;

(ii) By certified mail to the address the respondent is required to maintain with the Board; or

(iii) By other reasonable means to effect service.

(c) If the Board is unable to serve the notice of intent to summarily suspend a license upon the respondent as described in §B(4)(a) and (b) of this regulation, the Board may nevertheless proceed to prosecute the case.

C. Predeprivation Opportunity to be Heard.

(1) If the Board issues a notice of intent to summarily suspend a license, the Board shall offer the respondent the opportunity to appear before the Board to show cause why the respondent's license should not be suspended before the Board executes the order of summary suspension.

(2) A Predeprivation Show Cause Hearing before the Board.

(a) The hearing shall be a nonevidentiary hearing to provide the parties with an opportunity for oral argument on the proposed summary suspension.

(b) The Board member presiding at the hearing shall determine all procedural issues and may impose reasonable time limits on each party's oral argument.

(c) The presiding Board member shall make rulings reasonably necessary to facilitate the effective and efficient operation of the hearing.

(d) The respondent and the administrative prosecutor may not exceed 30 minutes each to present oral argument.

(e) The respondent shall proceed first and may reserve part of the allotted time for rebuttal.

(3) The Board member who presides at the hearing:

(a) May allow either the respondent or the administrative prosecutor to present documents or exhibits which are relevant and material to the proceedings and which are not unduly repetitious, if the presiding Board member believes that the documents or exhibits are necessary for a fair hearing; and



(b) May not allow testimony by any witness unless agreed to by the parties and approved by the Board in advance of the hearing.

(4) A Board member may be recognized by the presiding member to ask questions of either party appearing before the Board.

#### D. Summary Suspension Without Prior Notice or an Opportunity to be Heard.

(1) Extraordinary Circumstances. The Board may, after consultation with Board counsel, order the summary suspension of a license without first issuing a notice of intent to summarily suspend license or providing a respondent with an opportunity for a predeprivation hearing if the Board determines that:

(a) The public health, safety, or welfare requires the immediate suspension of the license; and

(b) Prior notice and an opportunity to be heard are not feasible.

#### (2) Time-Service and Hearing.

(a) An order of summary suspension under §D(1) of this regulation shall be served upon the respondent within 24 hours after its execution.

(b) The respondent shall be provided an opportunity for a hearing before the Board within 15 days after the effective date of the summary suspension.

(3) If the respondent requests a hearing under §B(3)(a)(iii) of this regulation, that hearing shall:

(a) Be conducted before the Board as provided in §D(2)(b) of this regulation; and

(b) Provide the respondent with an opportunity to show cause why the Board should lift the summary suspension and reinstate the license.

#### E. Burdens of Production and Persuasion.

(1) In a show cause proceeding under §C of this regulation, the respondent may present argument in opposition to the allegations presented in the order for summary suspension or which otherwise demonstrate that the public health, safety, or welfare is not at risk.

(2) The administrative prosecutor bears the burden of demonstrating by a preponderance of the evidence that the health, safety, or welfare of the public imperatively requires the Board to summarily suspend the respondent's license.

#### F. Disposition.

(1) If the Board issues a notice of intent to summarily suspend a license before summarily suspending a license, the Board may, after the show cause hearing, vote to:

(a) Order a summary suspension;

(b) Deny the summary suspension;

(c) Issue an order agreed upon by the parties; or

(d) Issue an interim order warranted by the circumstances of the case, including one providing for stay of the summary suspension subject to certain conditions.

(2) If the Board orders a summary suspension before a show cause hearing, the Board may, at the conclusion of the hearing, vote to:

- (a) Affirm its order of summary suspension;
- (b) Rescind the order for summary suspension;
- (c) Issue an order agreed upon by the parties; or

(d) Issue an interim order warranted by the circumstances of the case, including one providing for a stay of the summary suspension subject to certain conditions.

(3) An order for summary suspension or other order issued by the Board after the initiation of summary suspension proceedings are final orders of the Board and public records under State Government Article, §10-611, Annotated Code of Maryland.

#### G. Postdeprivation Opportunity for an Evidentiary Hearing.

(1) If the Board orders the summary suspension of a license under §C or D of this regulation, the respondent shall have an opportunity for an evidentiary hearing before the Board, or if the Board delegates the matter to the Office of Administrative Hearings, before an administrative law judge.

(2) The respondent may request an evidentiary hearing within 10 days after the Board issues the order of summary suspension.

(3) Unless otherwise agreed by the parties, a hearing shall be provided within 45 days after respondent's request.

(4) An evidentiary hearing may be consolidated with a hearing on charges issued by the Board that include the facts which form the basis for the summary suspension.

(5) An evidentiary hearing shall be conducted under the contested case provisions of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(6) If the Board delegates the matter to the Office of Administrative Hearings, the administrative law judge shall issue a recommended decision to the Board with:

- (a) Proposed or final findings of fact;
- (b) Proposed or final conclusions of law;
- (c) A proposed disposition; or

(d) Any combination of §G(6)(a)—(c) of this regulation, pursuant to the Board's delegation of the matter to the Office of Administrative Hearings.

(7) If the hearing is one combined with charges, the administrative law judge's determination of the merits of the summary suspension shall be based only on the parts of the record available to the Board when the Board voted for summary suspension.

(8) The parties may file exceptions to the recommended decision, as provided in State Government Article, §10-216, Annotated Code of Maryland.

(9) An order issued by the Board after a postdeprivation evidentiary hearing is a final order of the Board and is a public record under State Government Article, §10-611, Annotated Code of Maryland.

**.08 Probation and Violation of Probation Proceedings.**

A. If the Board imposes a period of probation as a sanction, the Board may impose conditions of probation which the Board considers appropriate, including but not limited to:

- (1) Reeducation or completion of approved courses;
- (2) Payment of a fine;
- (3) Providing free audiology, hearing aid dispensing, speech-language pathology, or music therapy services in a Board-approved program;
- (4) Practicing under supervision;
- (5) Monitoring by the Board or by an individual or entity approved by the Board, with periodic reporting to the Board;
- (6) Periodic review of a licensee's clinical practices or billing;
- (7) Periodic audits of a licensee's billing practices;
- (8) An examination by a physician or other appropriate health care provider;
- (9) Limitation of the licensee's practice;
- (10) Obtaining a passing score on an appropriate examination; or
- (11) Any other condition the Board considers appropriate for the rehabilitation or retraining of a licensee.

B. A term of probation may be defined by a specific period of time or the successful completion of certain conditions or acts by the licensee.

C. A licensee seeking termination of probation shall do so only by petitioning the Board to lift the probation when:

- (1) The specific period of time has passed;
  - (2) The licensee has successfully completed the conditions or acts required for termination;
- or
- (3) Both.

D. If the Board determines that the licensee is not in compliance with the conditions of probation, the Board shall:

- (1) Charge the licensee with a violation of probation;
- (2) Take any action the final order or consent order provides for a violation of probation, including suspension of the license;

- (3) Consider a summary suspension of the license; or
- (4) Take any other action the Board considers appropriate and may take by law.

E. Charges for Violation of Probation.

(1) If the Board issues charges for a violation of probation, the service shall be as provided for in Regulation .05C(1) and (3) of this chapter.

(2) The charging document for a violation of probation shall:

(a) Inform the respondent of the statutory provision, condition of probation, or provision of the Board's order which the Board believes has been violated;

(b) Allege facts that constitute a basis for a violation of probation; and

(c) Notify the respondent of:

(i) Any proceedings scheduled before the Board or of an opportunity to request a hearing within a certain period of time; and

(ii) The consequences of failing to appear for those proceedings or to request a hearing.

(3) If the respondent requests a hearing on the charge of a violation of probation, the Board shall, before the hearing, provide the respondent with a case resolution conference as provided in Regulation .05E of this chapter, to discuss settlement of the matter.

F. Violation of Probation Hearing. A hearing for a violation of probation shall be held as set out in Regulation .05E of this chapter.

G. If the Board determines that a respondent has violated probation, the Board shall:

(1) Take any action the consent order or final order provides for a violation of probation;

(2) Impose additional conditions of probation; or

(3) Impose a sanction or take any other action the Board considers appropriate and may take by law.

**.09 Restoration of a License.**

A. Reinstatement.

(1) A licensee shall petition the Board for termination of a suspension of a license or a reinstatement after revocation or surrender of a license.

(2) A licensee that petitions the Board for reinstatement under the terms and conditions for reinstatement set out in a final order, letter of surrender, or other order of the Board, shall apply for reinstatement only under those terms and conditions.

(3) A licensee whose license has been revoked or surrendered for 5 or more years before filing a petition for reinstatement is ineligible for reinstatement but may apply for initial licensure.

(4) In addition to complying with any conditions for reinstatement ordered by the Board, an applicant for reinstatement shall:

- (a) File an application for reinstatement with the Board; and
- (b) Meet the requirements for reinstatement.

**B. Notice of Intent to Deny Reinstatement and Notice of an Opportunity for a Hearing.**

(1) If the Board issues a notice of intent to deny reinstatement, that notice shall be served as provided for in Regulation .05C(1) and (3) of this chapter.

(2) A notice of intent to deny reinstatement shall:

(a) Inform the applicant of the legal basis for the Board's belief that the applicant is not qualified for reinstatement, including any applicable statutory provision;

(b) Allege any facts the Board believes support the Board's reasons for denying reinstatement; and

(c) Notify the respondent of:

(i) Any proceedings scheduled before the Board or of an opportunity to request a hearing within a certain period of time; and

(ii) The consequences of failing to appear for scheduled proceedings or to request a hearing.

(3) If the applicant requests a hearing on the notice of intent to deny reinstatement, the Board shall, before the hearing, provide the applicant with a case resolution conference as provided in Regulation .05E of this chapter, to discuss settlement of the matter.

(4) A hearing on the notice of denial of reinstatement shall be held before the Board or delegated to an administrative law judge and conducted under the contested case provisions of the Administrative Procedure Act.

C. If the Board grants reinstatement of a license, the Board may impose any restrictions or conditions on the license or the licensee's practice that it considers appropriate.

**.10 Judicial Review.**

A final order of the Board is subject to judicial review as provided in Health Occupations Article, §2-316, Annotated Code of Maryland and State Government Article, §10-222, Annotated Code of Maryland.

**.11 Fines.**

A. This regulation establishes the standards by which the Board may impose a fine not exceeding \$1,000.

B. After a hearing under Health Occupations Article, §2-315, Annotated Code of Maryland, and COMAR 10.41.04, the Board may impose a fine, in addition to, or instead of:

- (1) Reprimanding a licensee;
- (2) Placing a licensee on probation; or
- (3) Suspending or revoking a license.

C. In determining whether to impose a fine and the amount of the fine, the Board shall consider the following factors:

- (1) The cost of investigating and prosecuting the case against the individual;
- (2) The extent of actual or potential public harm caused by the violation;
- (3) The extent to which the individual derived a financial benefit from the violation;
- (4) The history of a previous violation or violations;
- (5) The willfulness of the improper conduct; and
- (6) Mitigating factors as presented by the licensee.

D. An individual shall pay the fine to the Board under the terms of the Board's order.

E. The Board shall pay all money collected under this chapter to the General Fund of the State.

F. Unless the Board's order provides otherwise, if an individual fails to pay, in whole or in part, a fine imposed by the Board, the Board may not restore, reinstate, or renew the license of the individual until the individual pays the fine in full.

G. The Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings and ensure prompt payment.

## **Chapter 05 Music Therapy**

Authority: Health Occupations Article, §§2-101, 2-201, 2-202(a), 2-206(a) and (d)(2), 2-501, and 2-4A-01—2-4A-25, Annotated Code of Maryland

### **.01 Scope.**

This chapter governs all persons licensed as music therapists in the State.

### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Board” means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.

(2) “CBMT-certified” means a music therapist who:

- (a) Is currently certified by the Certification Board for Music Therapists; and
- (b) Has completed the educational and clinical training requirements established by the American Music Therapy Association.

(3) “Individualized music therapy treatment plan” means a music therapy treatment plan for a client that identifies the goals, objectives, and potential strategies for the music therapy services appropriate for the client using music therapy interventions, including:

- (a) Music improvisation;

- (b) Receptive music listening;
- (c) Songwriting;
- (d) Lyric discussion;
- (e) Music and imagery;
- (f) Music performance;
- (g) Learning through music; and
- (h) Movement to music.

(4) “Licensed professional music therapist” means an individual who is licensed by the Board to engage in the practice of music therapy.

(5) “Practice of music therapy” has the meaning stated in Health Occupations Article, §2-4A-01, Annotated Code of Maryland.

### **.03 Licensure Requirements.**

A. To qualify for a license, an applicant shall be an individual who meets the requirements of this chapter.

B. The applicant shall:

- (1) Be of good moral character;
- (2) Be at least 18 years old;
- (3) Be a CBMT-certified music therapist;
- (4) Provide proof of:

(a) Passing the examination for certification offered by the Certification Board for Music Therapists (CBMT) or any successor organization approved by the Board; or

(b) Being transitioned into Board licensure and that the applicant is currently a CBMT-certified music therapist;

(5) Hold a bachelor’s degree or higher in music therapy, or its equivalent, including clinical training, from an educational program that is:

(a) Approved by the American Music Therapy Association or any successor organization; and

(b) Within an accredited college or university;

(6) Be in good standing based on a review of the applicant’s music therapy licensure, certification, or registration history in other jurisdictions, including a review of any disciplinary actions in the practice of music therapy; and

(7) Meet any other requirements established by the Board.

C. To apply for a license, an applicant shall:

- (1) Submit an application to the Board on the form that the Board requires;
- (2) Pay to the Board the application fee set by the Board; and
- (3) Submit to a criminal history records check in accordance with Health Occupations Article, §2-303.1, Annotated Code of Maryland.

D. The Board shall issue a license to any applicant who meets the requirements of:

- (1) Health Occupations Article, Title 2, Subtitle 4A, Annotated Code of Maryland; or
- (2) §C of this regulation and provides evidence satisfactory to the Board that the applicant is licensed and in good standing as a music therapist in another jurisdiction where the qualifications required are equal to or greater than those required in this subtitle.

E. The Board shall include on each license that the Board issues:

- (1) The full name of the licensed music therapist;
- (2) The dates of issuance and expiration; and
- (3) A license number.

F. A music therapist license authorizes the licensee to engage in the practice of music therapy while the license is effective.

#### **.04 Renewal of Licensure.**

A. A license expires on a date set by the Board unless the license is renewed for an additional term as set forth under §D of this regulation.

B. A license may not be renewed for a term longer than 2 years.

C. At least 1 month before a license expires, the Board shall send to the licensee, by first-class mail or email to the last known address of the licensee, a renewal notice that states the:

- (1) Expiration date;
- (2) Due date by which the renewal application shall be received by the Board for the renewal to be issued and mailed before the license expires; and
- (3) Amount of the renewal fee.

D. Before a license expires, the licensee periodically may renew the license for an additional term if the licensee:

- (1) Otherwise is entitled to be licensed;
- (2) Pays to the Board a renewal fee set by the Board; and
- (3) Submits to the Board:
  - (a) A renewal application on the form that the Board requires; and
  - (b) Satisfactory evidence of compliance with any continuing education requirements established by the Board under Regulation .05 of this chapter.



E. A licensee shall undergo a new criminal records history check as set forth in Health Occupations Article, §2-303.1, Annotated Code of Maryland, every three renewal cycles or every 6 years.

**.05 Continuing Education Requirements.**

A. The continuing education requirements shall include proof of completion of at least 40 hours of continuing education in a program approved by CBMT or any successor organization approved by the Board that includes:

- (1) A minimum of 1 CEU in the area of cultural competency;
- (2) A minimum of 1 CEU in the area of ethics;
- (3) Supervision;
- (4) Billing;
- (5) Interdisciplinary collaboration; and
- (6) Related training that does not include annual training requirements for:
  - (a) Job orientation;
  - (b) Job maintenance; or
  - (c) Other general training or information related to human health.

B. It is recommended that a licensee applying for the renewal of a license successfully complete, within the 2-year licensing period as a part of the required 40 hours of Board-approved continuing education programs, a minimum of 2 CEUs in the area of supervision.

C. The Board shall renew the license of each licensee who meets the requirements of Regulations .04 and .05 of this chapter.

**.06 Inactive Status, Reactivation, Reinstatement, and Reapplication.**

A. Inactive Status.

- (1) The Board shall place a licensee on inactive status if the licensee submits to the Board:
  - (a) An application for inactive status on the form that the Board requires; and
  - (b) The inactive status fee set by the Board.
- (2) The Board shall license an individual on inactive status who applies for a license if the individual meets:
  - (a) The renewal requirements of Health Occupations Article, §2-4A-10, Annotated Code of Maryland; and
  - (b) Any continuing education requirements established by the Board.
- (3) The Board may not require payment of a late fee by an individual as a condition to licensing set forth under §B of this regulation.

B. Reactivation.

(1) If a license has been in an inactive status for no more than two 2-year renewal cycles of inactivity, the licensee may apply for reactivation of the inactive license.

(2) The Board shall reactivate the license if the music therapist:

(a) Submits to the Board satisfactory proof of completion of at least 40 hours of CEU activity, in a program approved by CBMT or any successor organization, for every 2-year cycle of inactivity; and

(b) Pays to the Board the renewal fee and the reactivation fee set by the Board.

#### C. Reinstatement.

(1) If a license has been expired for 5 years or less, a music therapist may apply for reinstatement of the expired license.

(2) The Board shall reinstate the license if the music therapist:

(a) Submits to the Board satisfactory proof of completion of continuing education hours required of a music therapist on active status during the period of inactivity; and

(b) Pays to the Board the renewal fee and the reinstatement fee set by the Board.

#### D. Reapplication.

(1) The Board may not reinstate the license of a music therapist who fails to apply for reinstatement of the license within 5 years after the license expires.

(2) The music therapist whose license has been expired for more than 5 years may become licensed if the music therapist:

(a) Meets the current requirements for obtaining a license;

(b) Submits to the Board satisfactory proof of completion of continuing education hours required of a music therapist on active status during the period of inactivity; and

(c) Pays to the Board the application fee set by the Board.

### **.07 Licensee Responsibilities.**

A. A licensee shall notify the Board in writing of a change of:

(1) Mailing address within 30 days after the change;

(2) Name within 30 days after the change; or

(3) Email address within 30 days after the change if the licensee has previously submitted an email address to the Board.

B. A licensee who fails to comply with the requirements of this regulation may be subject to disciplinary action.

## **Chapter 06 Telehealth**

Authority: Health Occupations Article, §§2-201, 2-205, and 1-1001—1-1006, Annotated Code of Maryland

### **.01 Scope.**

A. This chapter governs the practice of audiology, hearing aid dispensing, speech-language pathology, and music therapy using telehealth as an adjunct to, or replacement for, in-person patient visits.

B. Nothing in this chapter restricts or limits reimbursement requirements pursuant to Health-General Article and Insurance Article, Annotated Code of Maryland.

## **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Asynchronous” means not occurring in real time.

(2) "Board" means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.

(3) “In-person” means in the physical presence of the patient.

(4) “Interpretive services” means reading and analyzing images, tracings, or specimens through telehealth or giving interpretations based on visual, auditory, thermal, or ultrasonic patterns or other patterns as may evolve with technology.

(5) “Synchronous” means occurring in real time.

(6) “Telehealth” has the meaning stated in Health Occupations Article, §1-1001, Annotated Code of Maryland.

(7) “Telehealth practitioner” means:

(a) A Maryland licensee of the Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists performing telehealth services within their respective scope of practice; or

(b) An audiologist or speech-language pathologist with a compact privilege in Maryland performing telehealth services within their respective scope of practice.

## **.03 Licensure.**

Subject to the provisions of Health Occupations Article, Title 2, Subtitle 3, Annotated Code of Maryland, a telehealth practitioner shall be licensed in Maryland or hold a compact privilege when providing telehealth services to a patient located in the State.

## **.04 Standards of Practice for Telehealth.**

A. Before performing telehealth services, a telehealth practitioner shall develop and follow a procedure to:

(1) Verify the identification of the patient receiving telehealth services through use of:

(a) A government issued photograph identification;

(b) An insurance, Medicaid, or Medicare card; or

(c) Documentation of the patient’s:

(i) Date of birth; and

(ii) Home address;

(2) For an initial patient-telehealth practitioner encounter, disclose the telehealth practitioner's:

(a) Name;

(b) Contact information;

(c) Maryland license number and type or compact privilege number, if applicable; and

(d) Medical specialty, if applicable;

(3) Except for interpretive services, obtain oral or written consent from a patient or patient's parent or guardian if State law requires the consent of a parent or guardian, including informing patients of the risks and benefits of the services to be provided;

(4) Securely collect and transmit a patient's medical health information, clinical data, clinical images, laboratory results, and self-reported medical health and clinical history, as necessary, and prevent access to data by unauthorized persons through encryption or other means;

(5) Notify patients in the event of a data breach;

(6) Ensure that the telehealth practitioner provides a secure and private communication modality that complies with federal and state privacy laws; and

(7) Establish safety protocols to be used in the case of an emergency.

B. Except when providing asynchronous telehealth services, a telehealth practitioner shall:

(1) Obtain or confirm an alternative method of contacting the patient in case of a technological failure;

(2) Confirm whether the patient is in Maryland and identify the specific practice setting in which the patient is located; and

(3) Identify all individuals present at each location and confirm they are allowed to hear the patient's health information.

C. A telehealth practitioner shall be held to the same standards of practice and documentation as those applicable for in-person health care settings.

D. The requirements set forth under §§A and B of this regulation may be delegated.

#### **.05 Patient Evaluation.**

A. Except when providing asynchronous telehealth services or remote patient monitoring, a telehealth practitioner shall:

(1) Perform a clinical patient evaluation adequate to establish a diagnosis and identify underlying conditions or contraindications to recommended treatment options before providing treatment or services through telehealth; and

(2) If clinically appropriate for the patient, provide or refer a patient to:

- (a) In-person health care services; or
- (b) Another type of telehealth service.

B. If the evaluation is adequate to comply with §A of this regulation, a telehealth practitioner may use:

- (1) Telehealth devices;
- (2) Live synchronous audio-visual communication;
- (3) Other methods of performing a patient examination remotely; or
- (4) A patient evaluation performed by another licensed health care practitioner providing coverage.

C. A telehealth practitioner shall comply with all applicable laws and regulations governing referrals, testing, and evaluation of patients including, but not limited to, the requirements of:

- (1) COMAR 10.41.08; and
- (2) Health Occupations Article, §2-314.1, Annotated Code of Maryland.

D. A telehealth practitioner may not treat a patient based solely on an online questionnaire.

#### **.06 Telehealth Practitioner Discipline.**

A. The Board shall use the same standards of evaluating and investigating a complaint about and in disciplining a licensee who practices telehealth as it would use for a licensee who does not use telehealth technology in the licensee's practice.

B. The failure of a telehealth practitioner to comply with Regulations .04 and .05 of this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.

### **Chapter 07 Cerumen Management**

Authority: Health Occupations Article, §§2-101(n) and 2-205(a)(1), Annotated Code of Maryland

#### **.01 Scope.**

These regulations govern persons licensed as audiologists in the State.

#### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Cerumen management" means the removal of cerumen which may affect the successful completion of audiological procedures.

(2) "Medical liaison" means a cooperative arrangement for consultation with a physician, preferably an otolaryngologist.

(3) "Universal precautions" has the meaning stated in COMAR 10.06.01.02B(10).

### **.03 Limitations.**

A. Before the removal of cerumen, the licensee shall obtain the informed consent of the patient, or legally responsible adult, and maintain documentation.

B. During cerumen removal, the licensee shall comply with the principles of universal precautions.

### **.04 Training, Knowledge, and Skills.**

A. The licensee shall be responsible for obtaining the training, knowledge, and skills necessary to perform cerumen management.

B. Failure to obtain the training before performing cerumen management may subject the licensee to disciplinary action.

C. The licensee shall obtain training that includes:

(1) Principles of cerumen management including the anatomy of the ear canal and the ear drum and classification of cerumen;

(2) Use of instruments;

(3) Techniques for cerumen removal;

(4) Recognition of complications;

(5) Recognition of contraindications including but not limited to:

(a) Only hearing ear;

(b) Perforated tympanic membrane;

(c) Inflammation, tenderness, or drainage from the ear canal or middle ear;

(d) Ear surgery within the past 6 months or tympanostomy tubes;

(e) Diabetes mellitus, HIV infection, bleeding disorder, or other medical contraindications;

(f) Actual or suspected foreign body;

(g) Stenosis or bony exostosis of the ear canal;

(h) Dizziness occurring during cerumen removal;

(i) Cerumen impaction that totally occludes the ear canal; and

(6) Clinical experience gained under the direct supervision of a qualified professional.

D. The licensee shall maintain documentation evidencing the satisfactory completion of the required training.

### **.05 Precautions.**

A. The licensee shall have established a medical liaison as defined in Regulation .02B of this chapter before performing cerumen removal.

B. The licensee shall refer patients to or consult with as needed the medical liaison for patients requiring cerumen removal who exhibit contraindications.

### **Chapter 08 Hearing Aid Dispensing**

Authority: Health Occupations Article, §§2-101(d), 2-205, 2-302.1, 2-304, 2-308, 2-310.1, 2-311(c), 2-311—2-314.8, 2-314(10) and (11), and 2-314.9, Annotated Code of Maryland

#### **.01 Scope.**

This chapter governs individuals holding a license or a limited license as a hearing aid dispenser in the State.

#### **.01-1 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Accredited 2-year post-secondary program” means:

(a) A college or university located in the United States whose program has been accredited by a national accrediting association recognized by the:

(i) Council for Higher Education Accreditation; or

(ii) The United State Department of Education; or

(b) A college or university located outside of the United States whose program has met the standards for certification of the governing educational body that is regulated by the government of the country where the college or university is located.

(2) “Locked, nonproprietary programming software” means software that any provider can render inaccessible to other hearing aid programmers.

(3) “Pro bono work” means work provided within the State within the scope of practice of the licensee that is performed without financial reimbursement or direct financial gain.

(4) “Proprietary programming software” means software that is:

(a) Used to program hearing aids that is supplied by a hearing aid distributor or manufacturer for the exclusive use by affiliated providers; and

(b) Locked and inaccessible to nonaffiliated providers.

#### **.02 Application for License.**

A. The Board shall forward the necessary form to an individual requesting an application for a license or a limited license as a hearing aid dispenser.

B. The applicant shall provide the Board with the information necessary to satisfy the Board that the requirements are being fulfilled.

C. Failure to complete the forms and to provide the information required may be cause for the application to be rejected by the Board.

D. The applicant shall include with the application:

- (1) The application fee;
- (2) Documentation regarding supervision of the limited license, if applicable;
- (3) An official transcript from the accredited 2-year post-secondary program, as defined in Regulation .01-1B of this chapter, attended by the applicant; and
- (4) All other required documentation.

E. The application fee covers the cost of administration and is not refundable.

F. The Board shall include in the application for a limited license the following statement: “I do hereby affirm, under penalty of perjury, that I am the holder of a valid unrevoked, unsuspended license issued by the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists and that I have read the above excerpts, and that I fully understand my responsibilities as supervisor for the applicant who will work and train under my supervision and for whose technical training and ethical conduct I am to be responsible. I further affirm that I have read the application of the above-named person and that to the best of my knowledge all answers are true and correct.”

G. The holder of a current hearing aid dispenser license who serves as the supervisor for the applicant shall sign the statement quoted in §F of this regulation.

H. False Information.

(1) An applicant furnishing false information in the application may be denied the right to the examination.

(2) If the applicant has been issued a license before the falsity of the information is discovered by the Board, the licensee may be subject to:

- (a) Suspension;
- (b) Revocation; or
- (c) Prosecution for fraud, perjury, or both.

I. The applicant shall demonstrate oral English competency as follows:

(1) Completion of at least 60 credits from an undergraduate college or university where English was the language of instruction throughout the applicant's inclusive dates of attendance; or

(2) Achievement of a minimum score of 105, with at least a 26 on Speaking and Listening, on the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

J. Upon approval of an application, the Board shall issue a document authorizing the applicant to practice in this State in accordance with Health Occupations Article, §2-306, Annotated Code of Maryland, and the regulations in this chapter.

K. Incomplete Applications.



(1) If an incomplete application is submitted to the Board, the Board shall notify the applicant within 30 days after receipt of an incomplete application of the materials that are required.

(2) An application is not complete until all required material, including the application fee and supporting documentation, is received by the Board.

(3) If the applicant fails to provide the required documentation within 1 year of receipt of the initial receipt, the Board may administratively close the application.

(4) An applicant whose application is administratively closed may reapply and submit with the new application proof of compliance with:

(a) This subtitle; and

(b) Health Occupations Article, Title 2, Annotated Code of Maryland.

### **.03 Examinations - General.**

A. An applicant shall file the examination application with the Board at least 30 days before the date of the examination.

B. Except for an applicant who holds a valid license to provide hearing aid dispenser services in another state or an applicant who holds a valid license to practice medicine in this State or any other state, the applicant shall obtain 6 months training under the supervision of a licensed hearing aid dispenser before taking the examination given by the Board.

C. The Board shall:

(1) Require that an applicant, who holds a valid license to practice medicine in this State or any other state and intends to sell hearing aids at retail, pass the written and law examinations given by the Board; and

(2) Request that an applicant, who holds a valid license to practice medicine in this State or any other state and intends to sell hearing aids at retail, take the practical examination given by the Board to ensure adequate protection to the consumer.

D. The Board shall accept current National Board Certification as a Hearing Instrument Specialist (BC-HIS) instead of the written and practical examinations for licensure, if the applicant:

(1) Is currently licensed in good standing in the state from which the applicant is applying; and

(2) Has practiced 3 years of the last 5 years before applying for a license in this State.

E. Before taking the Hearing Aid Dispensing Examination, a candidate shall provide the Board with a certificate of completion of the International Hearing Society course entitled "Distance Learning for the Professional in Hearing Health Sciences".

### **.04 Conduct of the Examination.**

A. The Board shall select the site for the examination.

B. An applicant may not be examined by an examiner by whom the applicant is employed or with whom the applicant has a contractual relationship.

C. The Board shall ensure that the content and scope of the examination is in accordance with Health Occupations Article, §2-304, Annotated Code of Maryland.

D. The Board shall provide the applicant with up-to-date information as to study or reference material which would be beneficial in preparing for the examination.

E. The Board shall treat cheating or dishonesty by an applicant as grounds for failure.

F. At the time of the examination, the Board shall provide each applicant with an identification number to be used on the examination papers.

**.05 Scope of the Examination.**

A. The Board shall ensure that the examination consists of a written part and a practical part.

B. The written examination shall utilize the most recent competency model licensing examination from the Education Division of the International Hearing Society.

C. The Board shall ensure that the practical part of the examination tests proficiency in:

- (1) Pure tone audiometry, including testing and recording of air and bone conduction;
- (2) Speech audiometry, including speech reception and speech discrimination testing;
- (3) Masking methodology;
- (4) Choice and adaptation of hearing aids;
- (5) Testing of hearing aids;
- (6) Maintenance and basic repair of hearing aids;
- (7) Taking of ear mold impressions; and
- (8) Other techniques and procedures that may be required to fit hearing aids.

D. Nothing in the examination shall imply that the applicant shall possess the degree of medical competence normally expected of physicians.

E. Passing Score.

(1) Written Examination.

(a) The Board shall determine the passing score for the written examination.

(b) If a candidate does not earn a passing score on the written examination, the candidate shall have to retake the entire written examination.

(2) Practical Examination. An applicant shall obtain a score of at least 80 percent on the practical examination.

(3) If the licensee's limited license has not expired and the licensee passed the examination within the past 2 years, the Board shall accept prior passage of the written examination, the practical examination, or both.

**.06 Practice of Limited Licensee.**

A. The holder of a limited license shall be familiar with and shall avoid committing any of the acts regarded as unethical practices set forth in COMAR 10.41.02.

B. On obtaining a limited license, the holder of a limited license shall engage in the practice of fitting and dispensing hearing aids for 20 consecutive days under the direct and continuous supervision of a licensee. The licensee shall provide direct supervision subsequently for a minimum of 40 hours per month for at least 6 months .

C. The supervising hearing aid dispenser shall be immediately available and physically on-site.

D. Supervision shall include training in those areas of the examination outlined in Regulation .05 of this chapter.

E. The limited licensee shall maintain documentation of supervision and training and shall submit the documentation to the Board upon request.

F. A licensee who supervises an applicant for a limited license shall assume full responsibility for the ethical conduct of the limited licensee.

G. Termination of Supervision.

(1) The supervising licensee may terminate the supervisory responsibility by discharging the limited licensee and returning the license to the Board, together with a letter explaining fully the circumstances under which the limited licensee was separated from the employment of the supervisor.

(2) If the limited license cannot be returned, the supervising licensee shall include a full explanation in the letter.

H. A limited license expires on the first anniversary of its effective date.

I. The Board may renew the limited license once for an additional 1-year term if the limited licensee:

(1) Takes but fails the examination; or

(2) Does not take the examination for a reason acceptable to the Board.

J. If a limited licensee fails to receive a full license within 2 years after the initial limited license was issued, the individual shall wait a minimum of 1 year before the individual may apply for another limited license.

K. The supervisor of a limited licensee:

(1) Shall hold a valid license issued by the Maryland Board;

(2) Shall conduct all required direct and continuous supervision as defined in §B of this regulation, at a Maryland hearing aid dispensing practice only;

(3) Shall be actively involved in the dispensing of hearing aids;

(4) Shall have been in practice for a minimum of 2 years after passing the Board examination;

- (5) Shall supervise not more than three limited licensees at one time; and
- (6) May not have been formally disciplined by the Board within the previous 5 years.

**.07 Repealed.**

**.08 Testing Procedures.**

A. The licensee or holder of a limited license who is engaged in the fitting and dispensing of hearing aids shall use appropriate testing procedures for a hearing aid fitting.

B. The licensee or holder of a limited license shall perform the following minimum testing procedures on each client evaluated prior to the fitting of a hearing aid or hearing aids :

(1) Pure tone air conduction thresholds at 250 Hz , 500 Hz, 1,000 Hz, 2,000 Hz, 4,000 Hz, 6,000 Hz, and 8,000 Hz , including masking as needed, if the threshold between the ears differs, at any frequency, by :

(a) 40 decibels when using supra aural headphones;

(b) 60 decibels when using insert earphones, properly inserted; or

(c) Inter-octave frequencies that shall be tested if there is a difference of 15dB or greater between octave frequencies as specified under §B(1)(a) and (b) of this regulation;

(2) Pure tone bone conduction thresholds, including masking as needed, at 500 Hz, 1000 Hz, 2000 Hz, and 4000Hz; and

(3) Word recognition scores obtained using recorded word lists or monitored live voice. Presentation level shall be at least 40dB above speech recognition threshold or at least 5dB above the threshold at 2000Hz, or both, if within level of tolerance.

C. The use of speech stimuli, such as speech in noise testing, is recommended before and after the fitting of the hearing aid.

D. The use of probe microphone measurements are recommended to verify the audibility of speech at 50dB, 65dB, and 80dB input levels as well as MPO measurements to avoid damage to the peripheral auditory system and check comfort of the hearing aid users.

E. The hearing aid dispenser shall:

(1) Maintain and retain all test results as part of a client's record. Part or all of the tests may be performed by an otologist or clinical audiologist, but the test may not be more than 6 months old for the use of a hearing device fitting; and

(2) Provide to the client a copy of all:

(a) Test results;

(b) Recommendations; and

(c) Referrals.

F. During the 2-year renewal, a hearing aid dispenser shall furnish evidence that each audiometer in use has been calibrated within the previous 12-month period.

G. Before fitting or selling a hearing aid to a potential client, the licensee shall refer the client to a physician, preferably one specializing in the diseases of the ear, if the licensee determines that the client has any of the following conditions:

- (1) Visible, congenital, or traumatic deformity of the ear;
- (2) Acute drainage from the ear within the previous 90 days;
- (3) Sudden or rapidly progressive hearing loss within the previous 90 days;
- (4) Acute or chronic dizziness;
- (5) Pain, discomfort, foreign body/material, or active drainage in the ear;
- (6) Air-bone gap in excess of 15 decibels on more than one frequency;
- (7) Evidence of congenital or traumatic deformity of the ear, not previously evaluated;
- (8) Unilateral or asymmetrical hearing loss with a difference of greater than 15dB pure tone average between ears, or asymmetry greater than 15dB at 2 or more frequencies; or
- (9) Visible evidence of cerumen (ear wax) accumulation or a foreign body in the ear canal.

#### **.09 Place of Business.**

A. A licensee shall display the license conspicuously in the office or place of employment of the licensee.

B. A licensee shall notify the Board in writing of:

- (1) The address of each place where the licensee provides hearing aid services; and
- (2) A change of address within 30 days after the change.

C. If a licensee has more than one place of business, the licensee shall specify on each notice required under this regulation the place to which the Board should mail its notices and other correspondence to the licensee.

#### **.10 Disclosure.**

A. A licensee shall deliver to an individual supplied with a hearing aid, a receipt containing:

- (1) The licensee's signature;
- (2) The address of the licensee's regular place of practice;
- (3) The licensee's license number;
- (4) Specifications as to the amount charged;
- (5) Other terms of the sale, stated clearly; and
- (6) The manufacturer, model, and serial number of the hearing aid provided.

B. If a hearing aid is not new, the licensee shall ensure that the receipt is clearly marked "used" or "reconditioned" and state the terms of any guarantee.

#### **.11 Continuing Education Requirements.**

A. A licensee applying for renewal of a license shall have successfully completed, within the 2-year licensing period, a total of 30 hours of Board-approved continuing education programs. Of the 30 hours, the licensee shall complete:

(1) 26 or more hours of instruction directly relating to the practice of fitting hearing aids, including the:

- (a) Science of hearing and hearing disorders;
- (b) Structure and function of hearing aids; and
- (c) Psychology of the hearing impaired;

(2) Not more than:

(a) 4 hours of instruction directly relating to managerial aspects of the practice of fitting hearing aids, including:

- (i) Good business principles; and
- (ii) Customer management principles; or

(b) 5 hours of continuing education credit in a single continuing education cycle by attending regularly scheduled Board meetings where 1 hour of an open session at a Board meeting equals 1 hour of continuing education credit ;

(3) A minimum of 1 CEU in the area of cultural competency; and

(4) A minimum of 1 CEU in the area of ethics.

B. It is recommended that a licensee applying for the renewal of a license successfully complete, within the 2-year licensing period as a part of required 30 hours of Board-approved continuing education programs a minimum of 2 CEUs in the area of supervision.

C. A licensee who fails to complete the continuing education requirements within the time frame specified under COMAR 10.41.03.06 may be subject to:

- (1) Informal or formal discipline for failure to meet the requirements; and
- (2) A monetary fine not to exceed \$250.

D. Pro Bono Work.

(1) CEUs may be earned for pro bono work at the rate of 1 Maryland CEU for every 8 hours of Board-approved CEU activity up to a maximum of 3 CEU credits in any single 2-year period.

(2) The licensee shall obtain approval from the Board for all pro bono work.

(3) The licensee shall provide the Board a written description of the proposed work not later than 60 days before beginning pro bono work. The description shall include:

- (a) The place where the pro bono work will take place;
- (b) The type of work to be performed;

(c) The number of hours of actual work to be performed for which the licensee desires CEU credit;

- (d) A description of how the work will enhance the licensee's ongoing education; and
- (e) A statement guaranteeing that the licensee will not receive any financial gain from the work provided.

(4) The licensee shall submit a written statement to the Board from the facility verifying the number of pro bono work hours completed.

(5) CEU credit may not be granted for work that did not receive prior approval from the Board.

#### E. First-Time Renewal of License.

(1) Continuing education units shall be prorated for:

- (a) Licensees holding a full license for at least 6 months but less than 2 years during the renewal cycle;
- (b) Newly licensed individuals; and
- (c) Individuals seeking reinstatement.

(2) The Board shall waive all continuing education requirements for a licensee obtaining full licensure within the last 6 months of the renewal cycle.

#### F. Miscellaneous.

(1) Continuing education units may not be carried over from one renewal period to the next renewal period.

(2) If the licensee presents evidence to the Board that failure to obtain the required continuing education units was due to circumstances beyond the licensee's control, the Board may grant an extension of time to obtain the required continuing education units.

(3) If the Board grants an extension of time as provided for in §E(2) of this regulation, the Board may require the licensee to obtain, as additional continuing education, not more than twice the number of missing credits in order to renew the license.

(4) The Board may reduce or waive the continuing education requirements for an individual under extenuating circumstances as determined by the Board.

### **.12 Renewal of Licensure.**

A. A licensee shall undergo a new criminal records history check as set forth in Health Occupations Article, §2-303.1, Annotated Code of Maryland, every three renewal cycles or every 6 years.

B. A licensee who has failed to renew a license to practice in this State by March 3 of the year in which the license is due to be renewed is prohibited from practicing in this State.

C. If the Board determines that a licensee has practiced in this State after the license has expired, the Board may:

(1) Order the licensee to immediately cease and desist practice in this State until the license has been reinstated by the Board; and

(2) Take action as follows against a licensee for unprofessional conduct if it determines that the licensee practiced in this State after the license has expired:

(a) Issue a nonpublic consent agreement in which the licensee agrees to make an anonymous donation of \$250 to a charitable institution and to perform 40 hours of Board-approved pro bono services;

(b) Provide the licensee with a settlement conference; or

(c) Charge the licensee with unprofessional conduct as provided in Health Occupations Article, §2-314(10), Annotated Code of Maryland, for practicing without a license.

### **.13 Licensee Responsibilities.**

A. A licensee shall notify the Board in writing of a change of:

(1) Mailing address within 30 days after the change;

(2) Name within 30 days after the change; or

(3) Email address within 30 days after the change if the licensee has previously submitted an email address to the Board.

B. A licensee who fails to comply with requirements of this regulation may be subject to disciplinary action.

### **.14 Sale of Hearing Aid Software Guidelines.**

A. To the extent not inconsistent with federal law, a licensee shall, before the consummation of a sale of a hearing aid that uses proprietary programming software or locked, nonproprietary programming software, provide the purchaser with a written notice that:

(1) States, “The hearing aid being purchased uses proprietary or locked programming software and can only be serviced or programmed at specific facilities or locations.”;

(2) Shall be signed by the purchaser before the sale; and

(3) Includes a copy that is kept and maintained by the licensee.

B. To the extent not inconsistent with federal law, a licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

(1) The date of consummation of the sale;

(2) Specifications as to the make, serial number, and model number of the hearing aid or aids sold;

(3) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid or aids sold;

(4) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact;



(5) The number of the licensee's license and the name and license number of any other hearing aid dispenser, temporary licensee, or trainee licensee, who provided any recommendation or consultation regarding the purchase of the hearing aid; and

(6) The terms of any guarantee or written warranty, as required by federal law or regulations, made to the purchaser with respect to the hearing aid or hearing aids.

## **Chapter 09 Civil Penalties**

Authority: Health Occupations Article, §§2-205, 2-314.9, and 2-315, Annotated Code of Maryland

### **.01 Scope.**

This chapter establishes the standards by which the Board may impose an administrative monetary penalty not exceeding \$5,000 on an individual licensed under Health Occupations Article, Title 2, Annotated Code of Maryland, for an act or omission prohibited under Health Occupations Article, §2-314, Annotated Code of Maryland.

### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.

(2) "Licensee" means an individual licensed by the Board to practice audiology, hearing aid dispensing, speech-language pathology, music therapy, or assists in the practice of speech-language pathology or audiology.

(3) "Violation" means an act or omission prohibited under Health Occupations Article, §2-314, Annotated Code of Maryland.

### **.03 Authority to Impose Administrative Monetary Penalty.**

A. After a hearing under Health Occupations Article, §2-315, Annotated Code of Maryland, and COMAR 10.41.04, the Board may impose an administrative monetary penalty under this chapter on a licensee who is found to have committed a violation.

B. The Board may impose a penalty under §A of this regulation:

(1) For each determination by the Board that there are grounds to suspend or revoke the license of a licensee or to reprimand a licensee or place a licensee on probation; and

(2) In addition to any suspension or revocation, or reprimanding the licensee or placing the licensee on probation.

### **.04 Factors To Be Considered in Assessment of Penalties.**

In determining whether to impose a penalty and the amount of the penalty, the Board shall consider the following factors:

A. The cost of investigating and prosecuting the case against the individual;

- B. The extent of actual or potential public harm caused by the violation;
- C. The extent to which the individual derived any financial benefit from the violation;
- D. The history of any previous violation;
- E. The willfulness of the improper conduct; and
- F. Any mitigating factors as presented by the licensee.

#### **.05 Payment of Penalties.**

- A. An individual shall pay to the Board within a time set by the Board any administrative monetary penalty imposed under this chapter.
- B. The Board shall pay into the General Fund of the State all monies collected under this chapter.
- C. If an individual fails to pay, in whole or in part, any penalty imposed by the Board under this chapter, the Board may not restore, reinstate, or renew the license of the individual until the penalty has been paid in full.
- D. The Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings and ensure prompt payment.

### **Chapter 10 Compelling Purpose Disclosure**

Authority: General Provisions Article, §4-333; Health Occupations Article, §2-205; Annotated Code of Maryland

#### **.01 Scope.**

- A. This chapter permits the Board to disclose investigative information to other agencies or other entities, or both, under certain circumstances.
- B. A custodian may disclose information in a certification, licensing, or investigative file if the custodian determines that a compelling public purpose exists to warrant disclosure.

#### **.02 Disclosure for Compelling Public Purpose.**

A custodian may find that a compelling public purpose warrants disclosure of information in a certification, licensing, or investigative file, regardless of whether there has been a request for the information, if the information concerns:

- A. Possible criminal activity and is disclosed to a federal, state, or local law enforcement or prosecutorial official or authority;
- B. A possible violation of law and is disclosed to a federal, state, or local regulatory authority that has jurisdiction over the individual whose conduct may be a violation, and the information disclosed is limited to information relevant to the possible violation by that individual; or
- C. Conduct by an individual which the Board reasonably believes may pose a risk to the public health, safety, or welfare, and is disclosed to a law enforcement authority, administrative official, or agency which regulates the individual, or to a hospital or other health care facility where the individual has privileges.

### **.03 Other Disclosures.**

This chapter does not prevent or limit the ability of the Board to disclose general licensing information as provided in General Provisions Article, §4-333, Annotated Code of Maryland, or any information which the Board may otherwise disclose by law.

## **Chapter 11 Speech-Language Pathology Assistants and Audiology Assistants**

Authority: Health Occupations Article, §§2-101, 2-102, 2-205, 2-308, 2-311(c), 2-312(b), 2-314, 2-319, 2-3A 01—  
2-3A-07, 2-401, 2-402.4, and 2-406 , Annotated Code of Maryland

### **.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Audiology assistant” means an individual who:

(a) Meets the minimum qualifications established under:

(i) Health Occupations Article, Title 2, Subtitle 3A, Annotated Code of Maryland; and

(ii) This chapter;

(b) Does not work independently; and

(c) Works under the general supervision of an audiologist licensed under Health Occupations Article, Title 2, Annotated Code of Maryland.

(2) “Board” means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists and Music Therapists.

(3) “Continuing education unit (CEU)” means 1 hour of attendance at a Board-approved program as described in COMAR 10.41.03.06.

(4) “Credit hour” means 1 academic credit hour of an academic course conducted by an accredited academic institution.

(5) “Delegation agreement” means an agreement between a speech-language pathology assistant or an audiology assistant and a supervising speech-language pathologist or audiologist which identifies the supervising speech-language pathologist or audiologist and the facility at which the speech-language pathology assistant or the audiology assistant will be practicing.

(6) Direct supervision

( a) “Direct supervision” means on-site, in-view, observation and guidance by a supervising speech-language pathologist or audiologist while on an assigned activity.

(b) “Direct supervision” includes the supervising audiologist viewing and communicating with the speech-language pathology assistant or audiology assistant via telecommunication technology to provide clinical services.

(c) “Direct supervision” does not include reviewing a recorded session at a later time.

(7) “General supervision” means the supervision of a licensed speech-language pathology assistant or audiology assistant by a licensed speech-language pathologist or audiologist who may or may not be present when the licensed speech-language pathology assistant or audiology assistant assists in the practice of speech-language pathology or audiology.

(8) “Indirect supervision” means those activities other than direct observation and guidance conducted by a supervising speech-language pathologist or audiologist including, but not limited to:

- (a) Review of charts and records;
- (b) Attendance at meetings; or
- (c) Phone contact.

(9) “Speech-language pathology assistant” means an individual who:

(a) Assists the supervising speech-language pathologist clinically in the implementation of treatment and other defined activities; and

(b) Meets the minimum requirements set forth in this chapter.

(10) “Supervising speech-language pathologist” means an individual who meets all requirements set forth in this chapter and who:

(a) Is licensed by the Board; or

(b) In exempt settings, holds the Certificate of Clinical Competence (CCC) in Speech-Language Pathology from the American Speech-Language Hearing Association (ASHA).

(11) “Supervision” means both direct and indirect supervision.

## **.02 Speech-Language Pathology Assistant License Requirements.**

A. The Board shall issue a speech-language pathology assistant license to an applicant who:

(1) Meets the following qualifications:

(a) Has completed the educational requirements in §C of this regulation;

(b) Has completed the clinical hours requirements in §D of this regulation;

(c) Has obtained a limited license as a speech-language pathology assistant from the Board;

(d) Has completed a period of not less than 9 months of supervised practice as specified in Regulation .03B of this chapter; and

(e) Submits a competency checklist completed by the supervising speech-language pathologist to the Board; or

(2) Meets the qualifications for waiver of requirements in Regulation .05 of this chapter.

B. Incomplete Applications.

(1) If an incomplete application is submitted to the Board, the Board shall notify the applicant within 30 days after receipt of an incomplete application of the materials that are required.

(2) An application is not complete until all required material, including the application fee and supporting documentation, is received by the Board.

(3) If the applicant fails to provide the required documentation within 1 year of receipt of the initial receipt, the Board may administratively close the application.

(4) An applicant whose application is administratively closed may reapply and submit with the new application proof of compliance with:

(a) This subtitle; and

(b) Health Occupations Article, Title 2, Annotated Code of Maryland.

#### C. Academic Curriculum Requirements.

(1) A speech-language pathology assistant shall demonstrate completion of one of the following requirements, unless a request for an exception based on extenuating circumstances, with documented continuing education during the previous 5 years is approved by the Board:

(a) An associate's degree from an approved program for speech-language pathology assistants at an accredited institution;

(b) An associate's degree or higher in an allied health field from an accredited institution with minimum course work that includes at least 3 credit hours in each of the following areas:

(i) Language acquisition and usage throughout the lifespan;

(ii) Speech disorders;

(iii) Anatomy and physiology of speech systems;

(iv) Language disorders, including pragmatics; and

(v) Phonology; or

(c) A baccalaureate degree in speech-language pathology or communication science disorders from an accredited institution.

(2) The Board shall accept only an official transcript that demonstrates course work completed with a grade of at least a "C" taken for credit.

(3) Academic course titles which are not self-explanatory shall be substantiated through course descriptions in official school catalogs or bulletins, or by other official means.

(4) Degrees or course work, or both, received at foreign universities are acceptable only if the course work and clinical practicum hours can be demonstrated, at the applicant's expense, to meet the requirements of this section.

#### D. Clinical Hours Requirements.

(1) A speech-language pathology assistant shall demonstrate at the time of application for licensure:

(a) Completion of at least 25 hours of clinical observation and 75 hours of clinical assisting experience in an associate's program; or

(b) 25 observation and 75 clinical practice hours as a speech-language pathology student in a bachelor's or master's program obtained within an educational institution or in one of the educational institution's cooperating programs.

(2) Alternative Method for Completion of Clinical Hours.

(a) If an applicant has not obtained the hours required in §D(1) of this regulation, the applicant may file with the Board a written plan for an alternative method to obtain the hours which shall include:

(i) A plan for the clinical observation, or clinical assisting experience, or both, designed and signed by the supervising speech-language pathologist;

(ii) Further information or revisions as requested by the Board;

(iii) An application for limited licensure; and

(iv) The fee for limited licensure.

(b) The plan for obtaining the 75 hours of clinical assistance shall include 100 percent direct supervision by the supervising speech-language pathologist of the speech-language pathologist assistant during any client contact hours.

(c) The Board shall approve the plan and issue the limited license before any clinical observation or clinical assisting experience may be obtained.

(d) The limited licensee shall then complete the hours in accordance with the Board-approved plan within 60 days.

(e) If the Board does not receive proof of successful completion of the hours by the end of 90 days, the limited assistant license is void and the speech-language pathology assistant may reapply.

### **.03 Speech-Language Pathology Assistant Limited License.**

A. The Board shall issue a speech-language pathology assistant license to a limited licensee who:

(1) Has successfully completed the requirements of the limited licensure period; or

(2) Meets the qualifications for waiver of requirements in Regulation .05 of this chapter.

B. Supervised Practice Requirements.

(1) A speech-language pathology assistant shall have a limited license from the Board before beginning supervised practice.

(2) The Board shall issue a limited license to practice as a speech-language pathology assistant to an applicant who:

- (a) Is of good moral character;
  - (b) Meets the qualifications indicated in Regulation .02A of this chapter and:
    - (i) Has completed the requirements of Regulation .02D(1) of this chapter; or
    - (ii) Has submitted a plan approved by the Board as provided in Regulation .02D(2) of this chapter;
  - (c) Submits the completed application and fee to the Board; and
  - (d) Submits a delegation agreement to the Board for each supervising speech-language pathologist.
- (3) During the period of limited licensure, the speech-language pathology assistant shall:
- (a) Practice only under the supervision of:
    - (i) A fully licensed speech-language pathologist; or
    - (ii) An individual who holds a Certificate of Clinical Competence in speech-language pathology from the American Speech-Language-Hearing Association;
  - (b) Demonstrate completion, within the first 60 days, under direct supervision as documented by the supervising speech-language pathologist of:
    - (i) At least 25 hours of clinical observation earned during the educational training or on the job, or both; and
    - (ii) A cumulative total of 75 hours of clinical assistance earned during the educational training or on the job, or both; and
  - (c) Practice a minimum of 9 months under a limited license.
- (4) The limited license shall expire 12 months after its effective date.
- (5) The supervising speech-language pathologist shall ensure that the speech-language pathology assistant demonstrates successful completion of the Board's competency skills checklist.
- (6) The speech-language pathology assistant shall submit the completed competency skills checklist to the Board at least 60 days before the limited license expiration date.

#### **.04 Audiology Assistant License Requirements.**

A. The Board shall issue an audiology assistant license to an applicant who:

- (1) Meets the following qualifications:
  - (a) Holds a high school diploma or equivalent degree such as a GED from an accredited institution;
  - (b) Is of good moral character;
  - (c) Demonstrates oral competency;

- (d) Submits a criminal history records check in accordance with Health Occupations Article, §2-303.1, Annotated Code of Maryland;
  - (e) Submits an application to the Board on the form that the Board requires; and
  - (f) Pays the application fee set by the Board; or
- (2) Meets the qualifications for waiver of requirements in Regulation .05 of this chapter.

**B. Incomplete Applications.**

- (1) If an incomplete application is submitted to the Board, the Board shall notify the applicant within 30 days after receipt of an incomplete application of the materials that are required.
- (2) An application is not complete until all required material, including the application fee and supporting documentation, is received by the Board.
- (3) If the applicant fails to provide the required documentation within 1 year of receipt of the initial receipt, the Board may administratively close the application.
- (4) An applicant whose application is administratively closed may reapply and submit with the new application proof of compliance with:
- (a) This subtitle; and
  - (b) Health Occupations Article, Title 2, Annotated Code of Maryland.

**C. Academic Curriculum Requirement.** An audiology assistant shall provide proof of completion of a high school diploma or higher.

**D. An audiology assistant:**

- (1) May not work independently; and
- (2) Works under the general supervision of a licensed audiologist.

**.05 Waiver of Requirements.**

**A.** The Board may waive the qualifications required for a license to practice as a speech-language pathology assistant or an audiology assistant under this chapter for an individual who :

- (1) Is of good moral character;
- (2) Pays the application fee required by the Board under COMAR 10.41.01;
- (3) Has been working as:
  - (a) A speech-language pathology assistant prior to October 1, 2007; or
  - (b) An audiology assistant prior to October 1, 2022;
- (4) Has completed the educational requirements in Regulations .02C and .04C of this chapter;



(5) Possesses sufficient qualifications which have been documented by a supervising speech-language pathologist, through completion of the speech-language pathology assistant competency skills checklist; and

(6) Completes a delegation agreement for each supervising speech-language pathologist.

B. The Board may waive any of the qualifications required for a license to practice as a speech-language pathology assistant or an audiology assistant under this chapter for an individual who :

(1) Holds a valid certification as a speech-language pathology assistant or an audiology assistant from the American Speech-Language-Hearing Association;

(2) Holds a valid license, certification, or registration as a speech language pathology assistant or an audiology assistant in another state whose qualifications for a speech-language pathology assistant or an audiology assistant are equivalent to the qualifications for a speech-language pathology assistant or an audiology assistant in this State; or

(3) Qualifies under the waiver of requirements provided in §A of this regulation.

#### **.06 Speech-Language Pathology Assistant Scope of Practice.**

A. A speech-language pathology assistant may provide only services which assist the direct services provided by a supervising speech-language pathologist, and not services which are alternatives to direct services.

B. Activities within the scope of practice of a speech-language pathology assistant or an audiology assistant shall include the following:

(1) Engaging only in those duties planned, designed, and supervised by a supervising speech-language pathologist or audiologist;

(2) Following treatment plans or protocols developed by the supervising speech-language pathologist or audiologist who maintains professional responsibility for the plans of care ;

(3) Adhering at all times to the code of ethics of the Board;

(4) Identifying the licensee as a speech-language pathology assistant or an audiology assistant to consumers and co-professionals;

(5) Following specified screening protocols developed by the supervising speech-language pathologist or audiologist when conducting speech-language or audiology screenings; and

(6) Reporting documented evidence of treatment and non-interpretive data regarding the client's performance to the supervising speech-language pathologist or audiologist.

C. Activities within the scope of practice of a speech-language pathology assistant or an audiology assistant may include the following :

(1) Performing preparation of materials;

(2) Scheduling activities;

(3) Preparing charts, records, graphs, and other clerical duties;

(4) Performing checks and maintenance of equipment;

(5 ) Participating with the supervising speech-language pathologist or audiologist in research projects, in-service training, and public relations programs;

(6) Assisting the speech-language pathologists or audiologists during patient assessments; and

(7) Assisting the audiologists with basic diagnostic tests, such as audiometry and tympanometry.

D. Activities not within the scope of practice of a speech-language pathology assistant or an audiology assistant include:

(1) Performing or interpreting the results of diagnostic evaluations;

(2) Participating in parent conferences, case conferences, or interdisciplinary team meetings without the presence of the supervising speech-language pathologist or audiologist, or other licensed speech-language pathologist or audiologist designated by the supervising speech-language pathologist or audiologist;

(3) Providing client or family counseling;

(4) Selecting clients for services;

(5) Discharging a client from services;

(6) Making referral recommendations;

(7) Disclosing clinical or confidential information either orally or in writing to anyone other than the supervising speech-language pathologist or audiologist; or

(8) Providing specialized treatment that requires advanced knowledge and training.

E. Audiology assistants may not perform any task:

(1) Without the express knowledge and approval of the supervising audiologist; and

(2) That may be prohibited by state or federal law.

## **.07 Supervisor Responsibilities.**

A. A supervising speech-language pathologist or audiologist is responsible for the direction of all client services provided by a speech-language pathology assistant or an audiology assistant.

B. A licensed full-time (35 hours or more a week) speech-language pathologist or audiologist may not supervise more than the equivalent of two full-time (35 hours or more a week) speech-language pathology assistants or audiology assistants.

C. A licensed part-time (less than 35 hours a week) speech-language pathologist or audiologist may not supervise more than the equivalent of one full-time (35 hours a week) speech-language pathology assistant or audiology assistant.

D. A supervising speech-language pathologist or audiologist shall:

(1) Have a minimum of 3 years work experience (2 years since receipt of full license or ASHA-CCC) as a speech-language pathologist or audiologist;

(2) Maintain on-going contact with all clients seen by a speech-language pathology assistant or an audiology assistant by participating in:

(a) Not less than one session every 2 weeks of in-person contact per client if the client is being seen three times per week or more; or

(b) Not less than one session per month of in-person contact per client if the client is being seen two times per week or less;

(3) Provide supervision of the speech-language pathology assistant or the audiology assistant that is a combination of direct on-site activities and indirect activities;

(4) Be on-site to supervise the speech-language pathology assistant during the first 2 hours of treatment for each client and then at least 1 direct hour of supervision during each subsequent month;

(5) Provide general supervision to the audiology assistant and continuous availability by phone or telehealth technologies;

(6) Conduct and maintain performance evaluations of the speech language pathology assistant or the audiology assistant within the first 3 months, and at least annually thereafter, that are cosigned by both the supervising speech-language pathologist or audiologist and the speech-language pathology assistant or the audiology assistant;

(7) Provide a copy of the signed performance evaluation to the speech-language pathology assistant or the audiology assistant;

(8) Maintain documentation of client contact and supervisory activities of the speech-language pathology assistant or the audiology assistant; and

(9) Have the authority to combine in-person client contact and on-site supervision of the speech-language pathology assistant or the audiology assistant when appropriate.

#### **.08 Licensee Responsibilities.**

A. A licensee shall notify the Board in writing of a change of:

(1) Mailing address within 30 days after the change;

(2) Name within 30 days after the change; or

(3) Email address within 30 days after the change if the licensee has previously submitted an email address to the Board.

B. A licensee who fails to comply with the requirements of this regulation may be subject to disciplinary action.

#### **.09 License Renewal.**

A. A speech-language pathology assistant or an audiology assistant license expires on the date set by the Board, unless it is renewed for an additional term as provided in this regulation.

B. A license may not be renewed for a term longer than 2 years.

C. At least 1 month before the license expires, the Board shall notify the speech-language pathology assistant or the audiology assistant of the date the license expires and the procedures for renewing the license.

D. The speech-language pathology assistant or the audiology assistant is responsible for renewing licensure.

E. The speech-language pathology assistant or the audiology assistant may apply to renew the license for another term if the speech-language pathology assistant or the audiology assistant:

(1) Is otherwise entitled to be licensed;

(2) Pays the renewal fee set by the Board; and

(3) Submits to the Board:

(a) A renewal application on the form the Board requires;

(b) Satisfactory evidence of compliance with any continuing education requirements under Regulation .10 of this chapter; and

(c) A delegation agreement for each supervising speech-language pathologist or audiologist.

F. A speech-language pathology assistant or an audiology assistant shall undergo a new criminal records history check as set forth in Health Occupations Article, §2-303.1, Annotated Code of Maryland, every three renewal cycles or every 6 years.

G. A licensee who has failed to renew a license to practice in this State by June 30 of the year in which the license is due to be renewed is prohibited from practicing in this State.

H. If the Board determines that a licensee has practiced in this State after the license has expired, the Board may:

(1) Order the licensee to immediately cease and desist practice in this State until the license has been reinstated by the Board; and

(2) Take action as follows against a licensee for unprofessional conduct if it determines that the licensee practiced in this State after the license has expired:

(a) Issue a nonpublic consent agreement in which the licensee agrees to make an anonymous donation of \$100 to a charitable institution and to perform 40 hours of Board-approved pro bono services;

(b) Provide the licensee with a settlement conference; or

(c) Charge the licensee with unprofessional conduct as provided in Health Occupations Article, §2314(10), Annotated Code of Maryland, for practicing without a license.

### **.10 Continuing Education Requirements.**

A. A speech-language pathology assistant or an audiology assistant shall obtain CEUs as a means of staying current in the field.

B. The speech-language pathology assistant or the audiology assistant shall earn a minimum of ten CEUs as a condition of renewal as follows:

- (1) Five CEUs in the area of clinical practice; and
- (2) Five CEUs in work-related areas that may include the recommended completion of:
  - (a) A minimum of 1 CEU in the area of cultural competency;
  - (b) A minimum of 1 CEU in the area of ethics; and
  - (c) Related training that does not include annual training requirements for:
    - (i) Job orientation;
    - (ii) Job maintenance; or
    - (iii) Other general information related to health care.

C. The speech-language pathology assistant or the audiology assistant shall retain records documenting completion of CEUs.

D. At the time of license renewal, the Board shall audit 25 percent of the speech-language pathology assistants or the audiology assistants for compliance with the continuing education requirement.

E. If the speech-language pathology assistant or the audiology assistant is audited by the Board, the speech-language pathology assistant or the audiology assistant shall submit to the Board the following:

- (1) A copy of the most recent performance evaluation;
- (2) An application for license renewal; and
- (3) Documentation of earned CEUs completed within the 2 years immediately preceding the license expiration date.

## **Chapter 12 Supervision of Students**

Authority: Health Occupations Article, §§2-205 and 2-302, Annotated Code of Maryland  
**.01 Scope.**

This chapter governs procedures and matters for licensed audiologists and speech-language pathologists supervising students enrolled in a graduate program for audiology or speech-language pathology.

### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Direct supervision" means on-site and personal oversight by an individual licensed under Health Occupations Article, Title 2, Annotated Code of Maryland, who assumes responsibility for another individual's conduct, whether it is consistent or fails to be consistent

with the professional standards and provisions set forth in Health Occupations Article, Title 2, Annotated Code of Maryland.

(2) "On-site" means present and working within the specific facility where the supervised student is evaluating the patient.

(3) "Supervisor" means the licensed individual who is employed by the facility and works on site.

### **.03 Supervision.**

A. The supervisor shall provide direct on-site supervision of the student at all times.

B. The supervisor is personally responsible for each patient the student evaluates and treats.

C. Signing of Patient Reports.

(1) Both supervisor and student shall sign reports with their full name and credentials.

(2) A student may sign with the highest degree earned.

(3) A student may not sign with credentials for a degree they are currently pursuing.

(4) The title or designation of "student" shall be placed after the student's name in the report statement.

(5) The supervisor shall sign all electronic records that only accept one signature.

D. A supervisor may not supervise more than the equivalent of two full-time students per day in off-site placements from a university.

E. A licensed audiologist or speech-language pathologist with clinical experience and credentials that meet the standards of the individual university program shall provide clinical supervision and mentoring.

F. The licensed audiologist or speech-language pathologist acting as a supervisor shall have 3 years post-degree clinical experience, including clinical fellowship.

### **.04 Exceptions.**

A. An audiology student who is enrolled full-time as a 4th-year doctoral student at a university and has completed 375 clinical training hours with 100 percent direct on-site supervision may utilize the following schedule as a minimum for supervision:

(1) For 3 months or the first 1/3 of the 4th year of clinical work, whichever is longer—90 percent on-site supervision;

(2) For 3 months or the second 1/3 of the 4th year of clinical work, whichever is longer—75 percent on-site supervision; and

(3) For 3 months or the last 1/3 of the 4th year of clinical work, whichever is longer—50 percent on-site supervision.

B. A supervisor shall be available either on site or by telephone for consultation at all times.

C. An audiology student who is enrolled full-time as a fourth year doctoral student at a university and holds a hearing aid dispenser license shall follow the requirements of §A of this regulation while working toward the degree.

### **Chapter 13 Sanctioning Guidelines**

Authority: Health Occupations Article, §§1-606, 2-314, and 2-314.9, Annotated Code of Maryland

#### **.01 Scope.**

This chapter establishes standards for sanctions and monetary penalties not exceeding \$5,000 against any individual in the State who holds a license issued by the Board if, after a hearing, the Board or the Maryland Office of Administrative Hearings finds that there are grounds under Health Occupations Article, §2-314, Annotated Code of Maryland, to impose a sanction or monetary penalty.

#### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Board” means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.

(2) “Conditions” means requirements in a public order that a licensee is required to satisfy.

(3) “License” means a license issued by the Board to:

- (a) Practice audiology;
- (b) Practice hearing aid dispensing;
- (c) Practice speech-language pathology;
- (d) Practice music therapy; or
- (e) Assist in the practice of speech-language pathology or audiology.

(4) “Licensee” means an individual licensed by the Board to:

- (a) Practice audiology;
- (b) Practice hearing aid dispensing;
- (c) Practice speech-language pathology;
- (d) Practice music therapy; or
- (e) Assist in the practice of speech-language pathology or audiology .

(5) “Penalty” means a monetary penalty.

(6) “Sanction” means a formal disciplinary action against a licensee such as a reprimand, probation, suspension, or revocation.

### **.03 Imposition of a Penalty After a Hearing.**

If, after a hearing under Health Occupations Article, §2-315, Annotated Code of Maryland, the Board finds that there are grounds under Health Occupations Article, §2-314, Annotated Code of Maryland, to suspend or revoke a license, the Board may impose a penalty as set forth in this chapter:

- A. Instead of, or in addition to, suspending the license; or
- B. In addition to revoking the license.

### **.04 Guidelines for Disciplinary Sanctions and Imposition of Penalties.**

A. Subject to the provisions of this section, the Board may impose sanctions and penalties for violations of the Maryland Audiology, Hearing Aid Dispensing, Speech-Language Pathology, and Music Therapy Act and its regulations according to the guidelines set forth in the following chart:

Violation	Minimum Sanction/Penalty	Maximum Sanction/Penalty
(1) Fraudulently or deceptively obtains or attempts to obtain a license or limited license for the applicant, licensee, or holder or for another	Suspension for 90 days;\$1,000 fine	Denial of license application or revocation;\$5,000 fine
(2) Fraudulently or deceptively uses a license or limited license	Suspension for 90 days;\$1,000 fine	Denial of license application or revocation;\$5,000 fine
(3) Commits fraud or deceit	Probation for 30 days;\$1,000 fine	Revocation;\$5,000 fine
(4) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude	Probation for 1 year;\$1,000 fine	Revocation;\$5,000 fine
(5) Obtains a fee through fraud or misrepresentation	Suspension for 90 days;\$1,000 fine	Revocation;\$5,000 fine
(6) Directly or indirectly employs any unlicensed person or person whose license has been suspended	Reprimand	Suspension for 90 days;\$1,000 fine
(7) Uses or promotes or causes the use of any misleading advertising	Reprimand	Suspension for 1 year;\$5,000 fine
(8) Falsely represents oneself as a physician or doctor	Reprimand	Suspension for 1 year;\$5,000 fine



(9) Permits another person to use the license of the licensee or limited licensee of the holder	Suspension for 90 days;\$1,000 fine	Revocation;\$5,000 fine
(10) Commits any act of unprofessional conduct	Reprimand	Suspension for 1 year;\$1,000 fine
(11) Violates any lawful order of the Board	Reprimand;\$1,000 fine	Revocation;\$5,000 fine
(12) Violates any provision of Health Occupations Article, Title 2, Annotated Code of Maryland	Reprimand	Suspension for 1 year;\$1,000 fine
(13) Provides professional services while under the influence	Probation for 1 year;\$1,000 fine	Revocation;\$5,000 fine
(14) Is disciplined by a licensing or disciplinary authority of any other state or country	Reprimand	Denial of license application;\$5,000 fine
(15) Practicing with an unauthorized person	Reprimand;\$500 fine	Revocation;\$5,000 fine
(16) Knowingly makes or files a false report or record	Probation for 1 year;\$500 fine	Revocation;\$5,000 fine
(17) Knowingly fails to file or record any report or record	Reprimand;\$500 fine	Revocation;\$5,000 fine
(18) Submits a false statement to collect a fee	Reprimand;\$1,000 fine	Revocation;\$5,000 fine
(19) Professionally, physically, or mentally incompetent	Reprimand	Revocation;\$5,000 fine
(20) Exploiting patient for financial gain	Probation for 1 year;\$1,000 fine	Revocation;\$5,000 fine
(21) Paying for referrals	Suspension for 90 days	Suspension for 1 year
(22) Violation of COMAR 10.41.02 Code of Ethics	Reprimand	Revocation;\$5,000 fine
(23) Violates the Door-to-Door Sales Act and Hearing Aid Sales Act	Reprimand	Revocation;\$5,000 fine
(24) Violates any Food and Drug Administration law or regulation governing the sale of hearing aids	Reprimand	Suspension;\$1,000 fine

B. If a licensee is found in violation of more than one category enumerated in this chapter, the category or categories containing the highest maximum sanction and penalty shall prevail.

C. Notwithstanding the guidelines set forth in this chapter, in order to resolve a pending disciplinary action, the Board and licensee may agree to a surrender of license or a consent order with terms, sanction, and penalty agreed to by the Board and the licensee.

D. A departure from the guidelines set forth in this chapter alone is not grounds for any hearing or appeal of a Board action.

#### **.05 Mitigating and Aggravating Factors to Be Considered in the Assessment of the Sanction.**

A. Depending on the facts and circumstances of each case, and to the extent that they apply, the Board may consider the following aggravating and mitigating factors in determining whether the sanction in a particular case should fall outside the range of sanctions established by the guidelines. These factors may include, but are not limited to, the following:

(1) Mitigating factors:

- (a) The licensee's lack of a prior disciplinary record;
- (b) The licensee self-reported the violation to the Board;
- (c) The licensee's full and voluntary admissions of misconduct to the Board and cooperation during Board proceedings;
- (d) Implementation of remedial measures to correct or mitigate harm arising from the misconduct;
- (e) Timely good-faith effort to make restitution or to rectify consequences of misconduct;
- (f) Evidence of rehabilitation or rehabilitative potential;
- (g) Absence of premeditation to commit the misconduct;
- (h) Absence of potential harm to public or adverse impact; and
- (i) The licensee's conduct was an isolated incident and not likely to recur; and

(2) Aggravating factors:

- (a) The licensee has a previous criminal or administrative disciplinary history;
- (b) The violation was committed deliberately or with gross negligence or recklessness;
- (c) The violation had the potential for, or caused, serious patient or public harm;
- (d) The violation was part of a pattern of detrimental conduct;
- (e) The licensee was motivated to perform the violation for financial gain;
- (f) The vulnerability of the client or clients;
- (g) The licensee lacked insight into the wrongfulness of the conduct;
- (h) The licensee committed the violation under the guise of treatment; and

(i) Previous attempts at rehabilitation of the licensee were unsuccessful.

B. The existence of one or more of these factors does not impose on the Board or an administrative law judge any requirement to articulate its reasoning for not exercising its discretion to impose a sanction outside of the range of sanctions set forth in this chapter.

C. Nothing in this regulation requires the Board or an administrative law judge to make findings of fact with respect to any of these factors.

**.06 Payment of Penalty.**

A. A licensee shall pay to the Board a penalty imposed under this chapter as of the date the Board's order is issued, unless the Board's order specifies otherwise.

B. Filing an appeal under State Government Article, §10-222, Annotated Code of Maryland, or Health Occupations Article, §2-316, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board under this chapter.

C. If a licensee fails to pay, in whole or in part, a penalty imposed by the Board under this chapter, the Board may not restore, reinstate, or renew a license until the penalty has been paid in full.

D. In its discretion, the Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings to ensure prompt payment.

E. The Board shall pay all monies collected under this chapter into the State's General Fund.