

The regular session emergency meeting of the Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists was held on January 14, 2021, teleconference. The meeting came to order at 6:45 p.m.

Staff Present

Dr. Candace G. Robinson, Executive Director
Bethan Haaga, AAG Board Counsel
Oluremi Dean, Discipline & Compliance Officer
Lillian Reese, Legislative & Regulations Coordinator

Absent Members

Dr. Stacey Samuels Cole, AUD
Mr. John Rouse, CON
Mr. Kim Keller, HAD
Ms. Jill Silverman, SLP
Ms. Ellen Stein. CON

Present Board Members

Mr. James Sciabarrasi, HAD
Dr. Jennifer Mertes, AUD, Chair
Mr. Richard Brisbane, HAD
Dr. Carrie Nieman, ENT
Dr. Barbara McLendon, AUD
Dr. Tinita, Kearney, SLP
Ms. Carolyn Stine, SLP
Dr. Tam Nguyen, ENT

Absent Staff

Zoann Mouzone, Administrative Specialist III
Monica Wright, Office Secretary III

Visitors

- Kimberly Link, J.D., Liaison to Boards & Commissions

Agenda Review and Approval for January 14, 2021

Dr. Ms. Carolyn Stine made a motion to approve the agenda with amendment to add the bills that were announced today as needing a position on by tomorrow. Mr. James Sciabarrasi seconded the motion. The vote was unanimous.

Regulatory Review

HB0233/SB0082 State Board of Professional Counselors and Therapists – Maryland Music Therapists Act – a discussion ensued regarding the pre-filed bill for adding the licensing of Music Therapists to our Board. The bill has been amended to reflect the name to read State Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists; however, a clean copy was not available for this meeting. Dr. Tinita Kearney made a motion to support the bill with amendments. Mr. Richard Brisbane seconded the motion. There were 5 in support and 1 opposed. Dr. Mertes counted as part of the quorum of 7 required with 1 from each discipline; however, her vote was not needed as the majority of the Board was in support and Dr. Mertes can only vote in the event of tie since she is the Board Chair. The motion passed.

The first amendment brought forward was to strike 17-6B-06 (2) requiring a physician familiar with the practice of Music Therapists to be added to the Board composition. The Board felt that already having the expertise of two physicians on the Board who specialize in otolaryngology, made this proposal unnecessary. Dr. Barbara McClendon made a motion to strike 17-6B-06(2) from the proposed bill. Ms. Carolyn Stine seconded the motion. The vote was unanimous. The motion passed.

The second amendment brought forward was to strike 17-6B-03(A)(3) proposing the Board to be tasked with facilitation of the development of materials to educate the public concerning Music Therapists. The Board believes that this is not an appropriate function of the Board, and rather a function of the professional association that Music Therapists would need to be certified with in order to be licensed to practice in the state of Maryland. Ms. Carolyn Stine made a motion to strike 17-6B-03(A)(3) from the proposed bill. Dr. Tinita Kearney seconded the motion. The vote was unanimous. The motion passed.

The third amendment brought forward was to strike 17-6B-03(B), which proposes that the Board may not adopt regulations, codes of ethics, and continuing education requirements that alter the practice of music therapy or licensure requirements defined in this act. The Board believes that by virtue of music therapists having two seats on the composition of the Board, this would allow them voting rights and thus, this is an unnecessary restriction on the Board. Dr. Tinita Kearney made a motion to strike 17-6B-03(B) from the proposed bill. Ms. Carolyn Stine seconded the motion. The vote was unanimous. The motion passed.

HB0119/SB0313 – Maryland Department of Health – Public Health Outreach Programs – Cognitive Impairment, Alzheimer’s Disease and Other Types of Dementia. This bill proposes to have the Maryland Department of Health in conjunction with The Department of Aging and others, to include education regarding these topics in consumer outreach programs. Mr. James Sciabarrasi made a motion to provide a letter of support for the bill. Mr. Richard Brisbane seconded the motion. The vote was unanimous. The motion passed.

HB0288/SB0183 – Audiology and Speech Language Pathology Interstate Compact. Dr. Mertes reported that we submitted a letter of concern last legislative session when this bill was introduced. It did not make it through both chambers and is being reintroduced this legislative session with no changes to the bill. Dr. Barbara McClendon made a motion to issue the same letter of concern, with the additional concerns regarding the following: 1, Lack of clarity regarding acceptable forms of criminal records history requirements. Particularly, the compact language requires that a home state issuing licenses recognized by the Compact should implement “procedures for considering criminal history” of an applicant. We do not know if these would comport with Maryland’s procedures or priorities. All states are required to use “biometric data” which may or may not include fingerprints. (Presumably, a state could require only a check of a DNA database). Ultimately, even though an FBI check is required, another state may have different ideas about what to do with the results of that check, 2, Sharing investigative materials and “adverse action” information. The requirement that any investigation (as opposed to just public discipline) be shared with compact member states violates several provisions of the Public Information Act. Due to the superseding clause, the Compact would override State law, 3, The Commission’s database. The provision that the Commission shall keep a database that includes Adverse Actions and investigations violates the Public Information Act. The bill’s definition of “adverse actions” could be read (broadly) to include letters of admonishment, which our Board keeps non-public. Ms. Carolyn Stine seconded the motion. The vote was unanimous. The motion passed.

HB0028/SB0005 – Public Health – Implicit Bias Training and the Office of Minority Health and Health Disparities. This bill proposes to require continuing education on implicit bias training, as a requirement for renewal of licenses after October, 2021. Dr. Tinita Kearney made a motion to provide a letter of support. Dr. Barbara McLendon seconded the motion. The vote was unanimous. The motion passed.

HB0078/SB0052 – Public Health – Maryland Commission on Health Equity (The Shirley Nathan-Pulliam Health Equity Act of 2021) – The purpose of this bill is to require the State designated exchange to participate in a certain advisory committee, maintain a certain data set, and provide certain data under certain circumstances.

HB0123/SB0003 - Preserve Telehealth Access Act of 2021 – The purpose of this bill is to alter the health care services the Maryland Medical Assistance Program, subject to a certain limitation, is required to provide through telehealth.

HB0309 - Public Health - Data - Race and Ethnicity – The purpose of this bill is to alter a certain provision of law requiring the Maryland Office of Minority Health and Health Disparities to collaborate with the Maryland Health Care Commission to publish and provide a certain report card to require the Office to also collaborate with certain health occupations boards; requiring the report card to include the racial and ethnic composition of all individuals who hold a certain license or certificate, rather than only physicians. Our Board currently asks for race and ethnicity data for all applications.

HB0508/SB0210 – COVID-19 Claim – Civil Immunity – The purpose of this bill is to provide immunity from civil liability for a COVID–19 claim to a person who acts in compliance with certain statutes, rules, regulations, executive orders, and agency orders, unless the person acted with gross negligence or intentional wrongdoing.

Dr. Tinita Kearney voted to take no position (passive support) on bills HB0078/SB0052, HB0123/SB0003, HB0309, and HB0508/SB210. Mr. Richard Brisbane seconded the motion. The vote was unanimous. The motion passed.

Correspondence & F.Y.I
NONE

Next Board Meeting – January 21, 2021

Adjournment

Dr. Barbara McLendon made a motion to adjourn the emergency regular session of the Board meeting. Ms. Carolyn Stine seconded the motion. The vote was unanimous. The regular emergency session meeting was adjourned at 8:25 p.m.

Respectfully submitted,

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Jennifer Mertes, Au.D.
Board Chair