

The Open Session meeting of the Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists was held on February 6, 2020, via teleconference. The Open Session Board meeting came to order at 4:07 p.m. Present for the quorum were Dr. Jennifer Mertes (AUD), Mr. Kim Keller (HAD), Ms. Jillian DeLuca (SLP), Dr. Tinita Kearney (SLP), Dr. Carrie Nieman (MD, ENT), Mr. John Rouse (CON), Mr. George Sheckells (HAD), and Ms. Ellen Stein (CON).

Staff Present

Dr. Candace G. Robinson, Executive Director
Zoann Mouzone, Administrative Specialist III

Absent Members

Mr. John Cummins
Ms. Carolyn Stine
Dr. Tam Nguyen
Dr. Stacey Samuels Cole

Absent Staff

Monica Wright, Office Secretary III
Deborah A. Donohue, Assistant Attorney General, Interim Board Counsel

Visitors

Susan Adams, J.D., Director of State Legislative & Regulatory Affairs, American Speech-Language-Hearing Association

Christina Pelatti, Ph.D., CCC-SLP, Department Chair, Audiology, Speech-Language Pathology & Deaf Studies, Towson University

Angela Mezzoma, Ph.D., CCC-SLP, Co-Director, Public Policy, Maryland Speech-Language-Hearing Association

Agenda Review and Approval for February 6, 2020

Ms. Stein made a motion to approve the agenda with the amendment of adding review of HB 502 – Public Information Act - Revisions. Mr. Keller seconded the motion. The Board’s vote to approve the agenda with the amendment was unanimous.

Regulatory Review – Dr. Candace G. Robinson, Executive Director

House Bill 42 (cross-file SB 67) Public Information Act – Applications for Inspection – Responses and Time Limits

Dr. Robinson informed the Board that HB 42 is the cross-file to SB 67 in reference to the Public Information Act. At the present time an agency has thirty (30) days to produce documents to a requestor. If the bill is passed the timeframe for the agency to obtain documents for the requestor will be seven (7) days. Further, our Board previously joined the Board of Physicians letter of opposition to SB 67. Dr. Mertes made a motion to join the Board of Physicians letter of opposition to HB 42. Ms. Ellen Stein seconded the motion. The Board vote was unanimous. Executive Director, Dr. Candace Robinson will testify on behalf of our Board in opposition of this bill, at the hearing on February 11, 2020 at 1pm.

House Bill 483 (cross-file SB 297) Administrative Procedures Act – Dispositions and Summary Suspensions

Dr. Robinson informed the Board that HB 483 is the cross-file to SB 297 in reference to the Administrative Procedures Act. Dr. Robinson gave a brief summary of the bill and informed the Board that this bill is concerning for a few reasons relayed by Interim Board Counsel Deborah Donohue. First, it would establish a 90-day deadline for issuing Board decisions in contested cases. If the Board misses that deadline, a respondent can send notice to the Board that it missed the deadline, and if the Board does not issue the decision within 30 days of the notice, the decision will be deemed to be in favor of the respondent. Further, if a case is complicated or if it has gone to OAH for a hearing, the Board would also have to get the transcript, have the Board solicit/wait for/schedule/hold a Board hearing on exceptions, consider those exceptions, and then issue a final decision. If a case were to go to OAH for an antitrust review, the Board would have to get the transcript, draft and finalize the final decision, draft the transmittal memo, send it to OAH, and wait for the final decision to approve it. The provision in this bill makes it so that if a Board does not make a timely decision, the respondent automatically wins. Finally, this bill also puts a 30-day deadline on a Board to issue a final order on a summary suspension. That means the Board would have to issue the summary suspension, give notice and hold a show cause hearing (if requested), give notice and hold an evidentiary hearing (if requested), and issue a final order - all within 30 days of the date of the summary suspension. The summary suspension time frame is not realistic at all, as should a respondent request a postponement, they could run out the 30 day time window and an automatic decision would go in their favor. If the automatic win also applies to a missed deadline for summary suspension, this would also be dangerous to the public, since the reason behind a summary suspension is that the Board has determined that "the public health, safety, or welfare imperatively requires emergency action." Md. State Gov't Art., § 10-226(c)(2). Ms. Jillian DeLuca made a motion to oppose the bill. Ellen Stein seconded the motion. All Board members were in favor of opposing the bill. Dr. Robinson, Executive Director, will inquire about joining the Board of Physicians in their opposition letter.

Senate Bill 416 (SB 416) – Audiology and Speech-Language Pathology Interstate

Dr. Robinson informed the Board that SB 416 serves to bring member states into a compact which would allow for a licensee to pay for licensing in their home state, and with an additional compact fee, be allowed to practice in other states that are part of the compact, without paying for additional licenses in those states. This would allow much quicker access to gainful employment by removing the hassle of time and money spent from applying for additional licensure, for those who move for various reasons, including licensees and/or their spouses who are active military members. Additionally, the compact allows for greater access to care by patients who are in remote areas and/or move out of state and wish to continue to see their current provider for services. The compact helps all states to be governed equally, though should a violation occur in Maryland, regardless of the licensee's home state, they would be upheld to Maryland law. In states where there is not a governing law, e.g., telehealth, the compact law would supersede. The fiscal impact of losing current licensees to the compact will likely be reduced by the compact fee charged to licensees who reside in Maryland, who choose to enter the compact. Mr. John Rouse made a motion to support the bill. Ms. Jillian DeLuca seconded the motion. All Board members were in favor of supporting the bill.

Dr. Candace Robinson, Executive Director, will submit a letter of support and will also testify in support of this bill at the hearing scheduled for February 13, 2020 at 1pm.

House Bill 448 (cross-file SB 402) - Health Care Practitioners – Telehealth

Dr. Robinson informed the Board that HB 448/ SB 402 would allow for the addition of asynchronous telehealth care. Currently, health care providers are allowed to provide telehealth services through synchronous or face to face visits only. This bill would allow for “visits” to occur without face to face interaction. This also includes the ability of a medical provider to prescribe medicine other than narcotic substances, asynchronously. Dr. Carrie Nieman made a motion to support the bill. Mr. John Rouse seconded the motion. All Board members were in favor of supporting the bill as written. Dr. Candace Robinson, Executive Director, will attend the Senate hearing on February 13, 2020 at 1pm, but the Board will not submit a letter.

House Bill 820 (HB 820) – Child Abuse and Neglect – Training of Health Care Professionals

Dr. Robinson gave a summary of the bill. The bill proposes to have Boards that do not currently require licensees to take a course on child abuse and neglect (and reporting of such) either to obtaining their license or to require continuing education units, to conspicuously post courses that would provide this information on their Board website. Ms. Ellen Stein made a motion to support posting the resources on our website for obtaining information on how to recognize and report child abuse and neglect. Ms. Jillian DeLuca seconded the motion. All Board members were in favor.

House Bill 502 (HB 502) – Public Information Act – Revisions

Dr. Robinson provided a summary of the bill and the concerns of such. Further, Interim Board Counsel, Deborah Donohue advised that the bill places responsibility of agencies, e.g., our Board to proactively post information regarding timelines of provided PIA requests. Further, the amount of information the bill requires to be posted by the custodian of such records, is very timely and takes that time away from the custodian of the Board to perform other duties. The bill does, however, give the PIA Compliance Board the ability to require disclosures of documents, which only the court can do at this time. This would give PIA requesters and agencies, a better administrative alternative to going to court. Mr. Jack Rouse made a motion to oppose the bill. Kim Keller seconded the motion. All Board members were opposed to the bill.

Next Board Meeting – February 20, 2020

Adjournment

Ms. Jillian DeLuca made a motion to adjourn the open session of the Board meeting. Mr. George Sheckells seconded the motion. The Board vote to adjourn was unanimous. The open session meeting was adjourned at 4:55 p.m.

Respectfully submitted,

Tinita Kearney, Ph.D.
Acting Chair