Division of Special Education/Early Intervention Services

HB 326 - Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act-Revision

On May 8, 2007, Governor O’Malley signed House Bill 326, entitled Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act-Revision, into law. HB 326 specifies that individuals hired after October 1, 2007 by a Maryland local public school system, State approved nonpublic school for children with disabilities, or chartered educational institution of the State to provide speech and language services must be licensed by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-language Pathologists, hereafter referred to as the “Board of Examiners.” HB 326 revised the current licensure requirements for speech language pathologists, speech language pathology assistants, audiologists, and hearing aid dispensers. These licensure revisions have an impact on local school system practices and employment of these individuals. The signed Bill is available on www.mlis.state.md.us in the Health Occupations Article.

For your information, the MSDE has developed this Technical Assistance Bulletin to address the primary provisions of the licensure legislation. For more detailed information it is recommended that you, in consultation with your Board of Education attorney review the requirements of this Health Occupation Article, Title 2, Annotated Code of Maryland.

You should also be aware that regulatory changes may be necessary to address the provisions of the legislation. MSDE is currently in the process of requesting permission to publish a proposal to repeal COMAR 13A.12.03.09 and 13A.12.03.10 and proposed amendments to COMAR 13A.12.03.01. The tentative timeline for this action is:

Maryland Register Issue Date: June 6, 2008
30 Day Open Comment Period Ends: July 7, 2008
Hearing: August 7, 2008
Adoption (PSTEB): October 2, 2008
1. **In addition to the required MSDE certification, what are the primary implications for those who employ speech and language pathologists as a result of the passage of House Bill 326, titled, "Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act-Revision"?**

   On or after October 1, 2007, an individual hired by a Maryland local public school system, State approved nonpublic school for children with disabilities, or chartered educational institution of the State to practice speech-language pathology **shall be licensed** by the Board of Examiners.

   [Health Occupation Article, §2-301(a)(2), Annotated Code of Maryland]

   Individuals licensed by the State Board of Physical Therapy Examiners in accordance with the relevant provisions of the Health Occupations Article “shall be considered professionally certified personnel” [COMAR 13A.12.03.09E]; thus, such individuals need not possess a Maryland Certificate.

   Individuals who were employed in local school systems as licensed speech-language pathologists prior to October 1, 2007 and wish to obtain an MSDE Certificate may still apply for one. The applications should be submitted as soon as possible since there are proposed changes pending in certification regulations.

   Individuals who were employed in local school systems as licensed speech-language pathologists prior to October 1, 2007 must possess an MSDE certificate to pursue administration certification, as well as meet other requirements, including having a Master’s Degree and three years of experience as a certified school-based speech-language pathologist.

2. **Are there any exemptions for these requirements?**

   Licensure requirements do not apply to:

   - Individuals employed on or before September 30, 2007 to practice speech-language pathology continuously while performing the duties of that employment in Maryland local public school systems, State approved nonpublic schools for students with disabilities, chartered schools, or the Maryland State Department of Education.

   This means individuals employed to practice speech-language pathology in Maryland local public school systems, State approved nonpublic schools for students with disabilities, chartered schools, or the Maryland State Department of Education on or before September 30, 2007 with no break in employment are not subject to these requirements and previous certification/licensure requirements still apply.

   - To a student or trainee in audiology or speech-language pathology while pursuing a supervised course of study at an accredited university or college while the student is obtaining clinical practicum hours.
This allows Bachelors level speech-language pathologists to be employed while working toward obtaining their clinical practicum hours without licensure if they are working under the direct supervision of a licensed speech-language pathologist in a student/supervisor relationship in Maryland local public school systems, State approved nonpublic schools for students with disabilities, chartered schools, or the Maryland State Department of Education.

[Health Occupation Article, §2-301(b)(1)(iii) - (iv), Annotated Code of Maryland]

3. **Are there licensure requirements for a speech-language pathology assistant?**

Yes. A speech-language pathology assistant is defined as an individual who:

- Meets the minimum qualifications established by the Board of Examiners that shall be less stringent than those established for the licensure of speech-language pathologists;
- Does not work independently; and
- Works under the direct supervision of a licensed speech-language pathologist.

To qualify for a license as a speech-language pathology assistant, the individual shall:

- Be of good moral character,
- Hold a Bachelor’s degree in speech-language pathology or communication sciences and disorders from an accredited institution or other degree as adopted by the Board of Examiners;
- Have successfully completed the clinical observation hours and supervised clinical assisting experience hours required by the regulations;
- After a period of supervised practice by a licensed speech-language pathologist, have successfully completed a competency skills checklist as provided for in regulations adopted by the Board of Examiners; and
- Demonstrate oral competency.

[Health Occupations Article §2-101(t); 2-302.3, Annotated Code of Maryland]

4. **How is “direct supervision” defined in the new statute?**

Direct supervision is defined as, "on-site and personal oversight by an individual licensed under this Title who assumes responsibility for another individual’s conduct whether it is consistent or fails to be consistent with professional standards and the provisions of this Title."

[Health Occupations Article §2-101(d), Annotated Code of Maryland]
5. Are there opportunities to obtain a limited license from the Board of Examiners by speech language pathologists or speech-language pathology assistants while completing the licensing requirements?

Yes. Maryland statute includes limited licensure provisions for speech language pathologists or speech-language pathology assistants who have not met all requirements, but have developed a plan in agreement with a licensed speech-language pathologist to meet the remaining requirements within the timelines established in COMAR 10.41.03.03.

[Health Occupations Article, 2-310.3, Annotated Code of Maryland; COMAR 10.41.03.03]

6. Will there be further specification of the qualifications, scope of practice and supervision requirements for speech-language pathologists and speech-language pathology assistants including those practicing in school settings?

In the future, the Board of Examiners will amend regulations to establish qualifications and scope of practice for the licensed speech-language pathologists and speech-language pathology assistants in addition to the requirements for the supervision of speech-language pathology assistants. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Maryland Register. The public is provided an opportunity to comment on proposed regulations by submitting data or views on proposed regulations either orally or in writing, to the proposing agency. Please refer to the "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register.

[Health Occupations Article, §2-319(b), Annotated Code of Maryland; State Government Article, §10-111, Annotated Code of Maryland]

7. Are there restrictions on what unlicensed individuals practicing as a speech-language pathologist or a speech-language pathology assistant may use as a title?

Unless an individual is authorized to practice as a speech-language pathologist in accordance with the Health Occupations Article, that individual may not represent to the public by use of the title, by description of services, methods or procedures that the person is authorized to practice speech-language pathology or evaluate, examine, instruct, or counsel individuals suffering from disorders or conditions that affect speech, language, communication and swallowing. In addition, such individuals may not use any word or term connoting professional proficiency in speech-language pathology, including but not limited to:

- Communication disorders;
- Communicologist;
- Dysphagist;
- Language pathologist;
- Logopedist;
- Speech and language clinician;
Speech and language therapist;  
Speech clinic;  
Speech clinician;  
Speech correction;  
Speech correctionist;  
Speech pathology;  
Speech-language pathology;  
Speech therapist;  
Speech therapy; or  
Swallowing therapist.

Unless authorized to practice as a speech-language assistant, an individual may not use any word or term connoting professional proficiency in assisting the practice of speech-language pathology, including but not limited to:

Communication assistant;  
Speech assistant;  
Speech-language assistant;  
Speech-language teacher; or  
Speech teacher.” (Annotated Code of Maryland 2-402.3)

8. **What are the new requirements for licensure in audiology?**

On or after October 1, 2007 audiologists must have a Doctoral degree in audiology from an accredited educational institution which incorporates the academic course work and the minimum hours of supervised clinical training required by the Board of Examiners.

[Health Occupations Article, §2-302, Annotated Code of Maryland]

9. **What are the new requirements related to the initial practice as a hearing aid dispenser?**

On or after January 1, 2008, an initial license to practice hearing aid dispensing is required by the Board of Examiners. An applicant must be a graduate of a 2 year accredited postsecondary program with a diploma or degree, obtain 6 months training under a licensed audiologist or hearing aid dispenser, successfully complete the international hearing society curriculum entitled “Distance Learning for Professionals in Hearing Health Sciences” or an equivalent approved by the board, and pass the state licensing examination. Persons who hold valid licenses to dispense in another state may waive the 6 month training required.

[Health Occupations Article, §2-302.1, Annotated Code of Maryland]
For more information, call 410-767-0858

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