CHAPTER 137

BOARD OF SPEECH, AUDIOLOGY AND HEARING

SUBCHAPTER 1

GENERAL PROVISIONS

§17101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Accredited. "Accredited" means an educational institution that is approved by the United States Department of Education, or one of its regionally accredited agencies.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Audiologist. "Audiologist" means an individual who is licensed under this chapter and practices audiology and who by virtue of academic and practical training presents that person to the public by the title or description of services incorporating the words audiologist, hearing clinician, hearing therapist or a similar title or description of service.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

3. Audiology. "Audiology" means the application of theories, principles and procedures related to hearing and balance disorders for the purposes of assessment and treatment.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

4. Board. "Board" means the Board of Speech, Audiology and Hearing pursuant to section 17201.
[PL 2011, c. 286, Pt. O, §3 (AMD).]

5. Calibration. "Calibration" means the objective adjustment of a machine to an accepted standard. The board shall adopt rules to define recalibration, accepted standards and calibration check.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

6. Code of ethics. "Code of ethics" means the code of ethics pertaining to the practices of speech-language pathology, audiology and hearing aid dealing and fitting adopted by the board.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

7. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

8. Hearing aid. "Hearing aid" means a wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding batteries and cords.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

9. Hearing aid dealer and fitter. "Hearing aid dealer and fitter" means an individual licensed under this chapter who engages in the practice of dealing in and fitting of hearing aids.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

10. Practice of dealing in and fitting of hearing aids. "Practice of dealing in and fitting of hearing aids" means, but is not limited to, the selection, adaptation or sale of hearing aids, or parts of hearing aids; the testing of hearing by means of an audiometer or equivalent measurement of hearing; the making of impressions for ear molds; and hearing aid orientation that includes instruction in use

and care of the instrument, information regarding expectations and limitations, information regarding the availability of additional services to meet associated needs, auditory rehabilitation, communication therapy and additional special counseling services and information regarding follow-up services, malfunctioning of hearing aids, mechanical adjustment or repair or remakes of hearing aids or ear molds.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

11. Sell or sale. "Sell" or "sale" means a transfer of title or of the right to use by lease, bailment or any other contract, between a licensed hearing aid dealer and fitter or a licensed audiologist and a purchaser, but does not include wholesale transactions.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

12. Speech-language pathologist. "Speech-language pathologist" means an individual who is licensed under this chapter and who practices speech-language pathology and who by virtue of academic and practical training presents the individual to the public by any title or description of services incorporating the words speech pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, logopedist, communicologist, voice therapist, voice pathologist or any similar title or description of service.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

13. Speech-language pathologist and audiologist. "Speech-language pathologist and audiologist" means an individual who is dually licensed under this chapter and who practices speech-language pathology and audiology.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

14. Speech-language pathology. "Speech-language pathology" means the application of theories, principles and procedures related to development and disorders of language and speech for purposes of assessment and treatment.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

15. Speech-language pathology aide.
[PL 2011, c. 286, Pt. O, §4 (RP).]

16. Speech-language pathology assistant. "Speech-language pathology assistant" means an individual who meets minimum qualifications that the board may establish for speech-language pathology assistants, that are less than those qualifications established by this chapter for licensure as a speech-language pathologist, but must include an associate degree or its equivalent, as determined by the board, or a higher degree in the field of communication disorders.
[PL 2019, c. 503, Pt. E, §1 (AMD).]

17. Supervision. "Supervision" means the direct observation of work and the assessment of written records of service by a licensed speech pathologist, licensed audiologist, licensed physician or licensed hearing aid dealer and fitter licensed under this chapter commensurate with the skills of the individual as determined by the supervisor.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

18. Temporary license. "Temporary license" means an individual who is licensed under this chapter and practices audiology or speech-language pathology while under supervision and training of an individual who holds a valid license in good standing in the appropriate specialty under this chapter.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

19. Trainee permit. "Trainee permit" means an individual licensed under this chapter who practices in hearing aid dealing and fitting while under supervision and training of an individual who holds a valid license in good standing to practice hearing aid dealing and fitting under this chapter.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2011, c. 286, Pt. O, §§3, 4 (AMD). PL 2019, c. 503, Pt. E, §1 (AMD).

§17102. Individual license

Only an individual may be licensed under this chapter and only a licensed individual may provide services for which a license is required under this chapter. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

§17103. License required

The board shall issue a license to an individual that meets the eligibility requirements of this chapter and files an application accompanied by the fees as set under section 17309. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Audiology. Licensure may be granted to an individual who meets the minimum qualifications established by the board. An individual may not practice or present that individual as an audiologist in this State unless licensed in accordance with the laws of this State.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Hearing aid dealing and fitting. Licensure may be granted to an individual who meets the minimum qualifications established by the board. A license issued under this section confers on the holder the right to select, fit and sell hearing aids. An individual may not engage in the sale of or practice of dealing in and fitting of in hearing aids or display a sign or present that individual to be an individual who practices the fitting of, dealing in and sale of hearing aids unless licensed under this chapter.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

3. Speech-language pathology. Licensure may be granted to an individual who meets the minimum qualifications established by the board. An individual may not practice or present that individual as a speech-language pathologist unless licensed in accordance with the laws of this State.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

4. Speech-language pathology and audiology. Licensure may be granted to an individual who meets the minimum qualifications established by the board. An individual may not practice or present that individual as a speech-language pathologist or audiologist unless licensed in accordance with the laws of this State.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

5. Speech-language pathology aides.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF); MRSA T. 32 §17103, sub-§5 (RP).]

6. Speech-language pathology assistants. Licensure may be granted to an individual who meets the minimum qualifications for a speech-language pathology assistant established by the board and who is supervised by a licensed speech-language pathologist, as set forth by the board by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 503, Pt. E, §2 (AMD).]

7. Foreign trained applicant. An applicant who has completed required education outside the United States and its territories must have the applicant's academic degree validated as equivalent to a baccalaureate or master's degree conferred by a regionally accredited college or university in the United States. The board shall accept equivalency validations from regionally accredited colleges or universities in the United States or board-approved agencies specializing in education credential evaluations.

[PL 2011, c. 286, Pt. O, §5 (NEW).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2011, c. 286, Pt. O, §5 (AMD). PL 2019, c. 503, Pt. E, §2 (AMD).

§17104. Exemptions to audiology and speech-language pathology

Nothing in this chapter may be construed as preventing or restricting: [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Hearing aid dealer and fitter. A hearing aid dealer and fitter licensed under this chapter or the holder of a trainee permit under this chapter from the fitting of hearing aids or the testing of hearing for the purpose of fitting hearing aids;
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Individual holding valid and current credential. An individual who holds a valid and current credential as a speech-language or hearing clinician, issued by the Department of Education, from providing services within a local educational agency or an individual employed as a speech-language pathologist or audiologist by the Federal Government, if the individual performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the organization by which that individual is employed. The individual may, without obtaining a license under this chapter, consult with or disseminate research findings and other scientific information to speech-language pathologists and audiologists outside the jurisdiction of the organization by which that individual is employed. The individual may also offer lectures to the public for a fee, monetary or other, without being licensed under this chapter. The individual may additionally elect to be subject to this chapter; or
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

3. Physician. A physician or osteopathic physician licensed by this State from testing, diagnosing and treating medical problems related to disorders of language, speech or hearing, nor permitting a speech-language pathologist or audiologist to practice medicine, surgery or other healing arts.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

4. Individual enrolled in course leading to degree.
[PL 2007, c. 695, Pt. A, §40 (RP).]

An individual who is enrolled in a course of study leading to a degree in speech-language pathology or audiology at an accredited college or accredited university is exempt as long as such activities and services constitute a part of the course of study. [PL 2007, c. 695, Pt. A, §39 (NEW).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2007, c. 695, Pt. A, §§39, 40 (AMD).

§17104-A. Delegation authorized

1. Delegation authorized. This chapter may not be construed to prohibit an audiologist from delegating to an individual certain activities relating to the practice of audiology, as long as those activities are under the supervision and control of the audiologist. "Supervision and control" may not be construed to require the personal presence of the supervising and controlling audiologist at the place where those activities take place, unless a physical presence is necessary to provide patient care of the same quality as provided by the audiologist. The board may adopt rules identifying delegated activities and appropriate levels of supervision in the practice setting. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The activities delegated by an audiologist under this subsection may not include the assessment and treatment of hearing and balance disorders or the dispensing of hearing aids.

[PL 2009, c. 112, Pt. A, §23 (NEW).]

2. Responsibility. An audiologist who delegates activities as described in subsection 1 to an individual is legally and ethically responsible for all of the professional activities of that individual, and the individual in this relationship is considered the audiologist's agent. This subsection may not be construed to apply to an individual acting under a separate license accepted by the State to render services independently.
[PL 2009, c. 112, Pt. A, §23 (NEW).]

SECTION HISTORY

PL 2009, c. 112, Pt. A, §23 (NEW).

§17105. Exemptions; practice of hearing aid dealing and fitting

Nothing in this chapter may be construed as preventing or restricting: [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Audiologist. An audiologist who is licensed under this chapter from engaging in the practice of dealing in and fitting of hearing aids;
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Individual measuring human hearing. An individual from measuring human hearing, only if the individual does not intend to sell hearing aids and accessories unless under the direct supervision of an audiologist or hearing aid dealer and fitter licensed under this chapter; or
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

3. Physician. A physician or osteopathic physician licensed by this State from testing, diagnosing and treating medical problems related to disorders of language, speech or hearing.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

§17106. Unlicensed practice

An individual who practices or presents that individual as licensed under this chapter, and who does not hold a valid license under this chapter, is subject to the provisions of Title 10, section 8003-C. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

SUBCHAPTER 2

BOARD OF SPEECH, AUDIOLOGY AND HEARING

§17201. Board established; membership; terms

The Board of Speech, Audiology and Hearing, as established by Title 5, section 12004-A, subsection 48, consists of 7 members appointed by the Governor. All members must be residents of this State. Two members must have been engaged full-time in the practice of speech-language pathology for at least one year immediately preceding appointment. Two members must have been engaged full-time in the practice of audiology for at least one year immediately preceding appointment and 2 hearing aid dealers and fitters must have at least 5 years of experience. All professional members at all times must be holders of valid licenses for the practice of speech-language pathology, audiology

or the practice of dealing in and fitting of hearing aids, respectively. The additional member is a public member as defined in Title 5, section 12004-A. [PL 2011, c. 286, Pt. O, §6 (AMD).]

Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. A board member may be removed by the Governor for cause. [PL 2015, c. 494, Pt. A, §36 (AMD).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2011, c. 286, Pt. O, §6 (AMD). PL 2015, c. 494, Pt. A, §36 (AMD).

§17202. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings are held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. [PL 2013, c. 246, Pt. B, §28 (AMD).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2013, c. 246, Pt. B, §28 (AMD).

§17203. Powers and duties

The board has the following powers and duties. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Board to administer, coordinate and enforce. The board shall administer, coordinate and enforce this chapter and evaluate the qualifications of and approve the examinations to be taken by applicants for licensure under this chapter.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Rules. The board may, in accordance with the Maine Administrative Procedure Act, adopt rules commensurate with the authority vested in it by this chapter, including, but not limited to, rules relating to professional conduct and establishing ethical standards of practice. The board, by rule, shall set the standard of professional conduct of every individual that holds a license under this chapter.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

SUBCHAPTER 3

LICENSE

§17301. Eligibility for license

The board shall issue a license to an applicant who meets the following eligibility requirements of this chapter and who files an application accompanied by the fees as set under section 17309. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Audiologist. An audiologist must have a master's degree, a doctoral degree or a degree determined by the board to be equivalent, from an accredited institution that is consistent with the requirements for the American Speech-Language-Hearing Association Certificate of Clinical Competency in Audiology or the requirements of its successor or other organization approved by the board. The board may establish the requirements for academic course work, supervised clinical practice, supervised professional employment and written examination.

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Hearing aid dealer and fitter. A hearing aid dealer and fitter must pass a qualifying examination approved by the board and must:

A. Be at least 18 years of age; [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

B. Have a high school diploma or its equivalency; and [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

C. Have obtained a trainee permit pursuant to subsection 7 and have received a minimum of 750 hours of training in the practice of dealing in and fitting of hearing aids under the direct supervision of a licensed hearing aid dealer and fitter or licensed audiologist during a period of not fewer than 6 months nor more than 18 months. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

3. Speech-language pathologist. A speech-language pathologist must have a master's degree, a doctoral degree or a degree determined by the board to be equivalent from an accredited institution that is consistent with the requirements for the American Speech-Language-Hearing Association Certificate of Clinical Competency in Speech Pathology or the requirements of its successor or other organization approved by the board. The board may establish the requirements for academic course work, supervised clinical practice, supervised professional employment and written examination.

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

4. Speech-language pathologist and audiologist. A speech-language pathologist and audiologist must have a master's degree, a doctoral degree or a degree determined by the board to be equivalent, from an accredited institution that is consistent with the requirements for the American Speech-Language-Hearing Association Certificate of Clinical Competency in Speech Pathology and Audiology or the requirements of its successor or other organization approved by the board. The board may establish the requirements for academic course work, supervised clinical practice, supervised professional employment and written examination.

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

5. Speech-language pathology assistant. A speech-language pathology assistant must have an associate degree or higher from an accredited institution in the field of communication disorders, or its equivalent as determined by the board, and must meet such other minimum qualifications as the board may establish.

[PL 2019, c. 503, Pt. E, §3 (AMD).]

6. Temporary license. An applicant for a temporary license must meet the education requirements for licensure as outlined in subsection 1, 3 or 4 and show to the satisfaction of the board that the applicant is supervised and trained by an individual who holds a license under this chapter in the appropriate specialty, which entitles the applicant to practice speech-language pathology or audiology under supervision while completing the requirements for licensure. The temporary license is effective for one year and may be renewed once by the board.

[RR 2007, c. 1, §19 (COR).]

7. Trainee permit. An applicant for a trainee permit must meet the licensure requirements as set forth in subsection 2, paragraphs A and B and provide the signature of the licensed hearing aid dealer and fitter or licensed audiologist who is licensed under this chapter and who is responsible for the direct supervision of the trainee. A trainee permit is valid for 18 months. The board may approve the renewal of a trainee permit once. An individual holding a trainee permit may not engage in the practice of dealing in or fitting of hearing aids except while under supervision of a licensed hearing aid dealer and fitter or licensed audiologist licensed under this chapter.

An individual who holds a trainee permit shall notify the board in writing upon completion of the training required under subsection 2, paragraph C and shall sit for the next scheduled licensing examination. If the holder of a trainee permit successfully passes the examination, the board may issue a license upon the payment of the fees as set under section 17309.

If the holder of a trainee permit fails the examination, that individual may retake the examination, upon payment of the fees as set under section 17309, within one year after completing the training under subsection 2, paragraph C.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

RR 2007, c. 1, §19 (COR). PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2019, c. 503, Pt. E, §3 (AMD).

§17302. Examination requirements

1. Audiology and speech-language pathology. Each applicant for licensure as a speech-language pathologist or audiologist under this chapter must pass an examination approved by the board.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Hearing aid dealer and fitter. Each applicant for licensure as a hearing aid dealer and fitter under this chapter must pass an examination approved by the board. The qualifying examination consists of, but is not limited to:

A. Tests of knowledge in the following areas as they pertain to the fitting and sale of hearing aids:

(1) Basic physics of sound;

(2) The anatomy and physiology of the ear;

(3) The function of hearing aids; and

(4) Types of hearing loss and deafness; and [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

B. Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

(1) Pure tone audiometry, including air conduction testing and bone conduction testing;

(2) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech recognition testing;

(3) Criteria for masking;

(4) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing aid;

(5) Taking ear mold impressions; and

(6) Evidence of knowledge regarding consumer laws as they apply to licensees and trainees. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

§17303. Licensure; another jurisdiction

An applicant who is licensed under the laws of another jurisdiction is governed by this subsection. The board may waive the examination and grant licensure to an applicant who presents proof of current licensure in another jurisdiction that maintains professional standards determined by the board to be

substantially equivalent to those set forth in this chapter, if no cause exists for denial of a license under section 17307. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

§17304. Scope of practice; audiologists

Audiologists identify, assess, manage and interpret test results related to disorders of human hearing, balance and other neural systems, including the dispensing of hearing aids. Audiologists also supervise programs and services related to human communication and its disorders; counsel families, individuals and caregivers; and provide consultation, make referrals and develop preventative programs. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

The provisions of this section pertaining to the scope of practice for audiologists neither limit nor infringe upon licensure laws of other regulated professions in this State. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

§17305. Hearing aid dealing and fitting practice standards

For the purpose of this section, "dealer-licensee" means an individual licensed under this chapter as a hearing aid dealer and fitter or audiologist who engages in the practice of dealing in and fitting of hearing aids as defined under section 17101, subsection 10. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Payment; trial period. The dealer-licensee may require the purchaser to pay the full purchase price for the hearing aid or aids at the time of delivery.

A. On the date of delivery, a 30-day trial period begins. If within this trial period the purchaser notifies the dealer-licensee of the purchaser's wish to cancel the transaction, the dealer-licensee shall make a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees, at the time the purchaser returns the hearing aid or aids. The dealer-licensee shall also return to the purchaser any hearing aids, devices, accessories and ear molds that the dealer-licensee has received from the purchaser. The dealer-licensee shall contact the purchaser and provide any service, fitting or repair that may be necessary for the beneficial and comfortable use of the hearing aid. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Return for medical reasons. The purchaser may cancel the transaction by submitting to the dealer-licensee within 60 calendar days from the date of delivery of the hearing aid or aids a written opinion from a physician or audiologist stating that the hearing aid or aids are not advisable for the purchaser. Upon receipt of the statement and return by the purchaser of the hearing aid or aids, the dealer-licensee shall make a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees. The dealer-licensee shall also return to the purchaser any hearing aids, devices, accessories and ear molds that the dealer-licensee has received from the purchaser.

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

3. Violations. A provision of a contract that limits or conditions in any way the rights guaranteed to purchasers by this section is against public policy and void. A violation of the requirements of this section, in addition to being unethical conduct under section 17307, constitutes a violation of the Maine Unfair Trade Practices Act.

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

4. Dealer records. Each dealer-licensee shall keep records for at least 6 years on each person who purchases a hearing aid to include:

A. Results of measurement of known hearing; [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

B. Medical clearance for a hearing aid when indicated under this section or purchaser's waiver of need for medical clearance; [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

C. A copy of the warranty; [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

D. Date and type of hearing aid sold to purchaser; [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

E. Date and type of replacement hearing aids; and [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

F. Type of ear mold and other pertinent information such as reports from speech and hearing centers. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

5. Calibration. Each audiometer used in the measurement of hearing when testing and fitting a hearing aid must meet calibration standards as defined in the board's rules. Dealer-licensees shall obtain an objective calibration check on permanently installed and portable audiometers at least once a year. If an objective calibration check shows an audiometer to deviate more than 10 decibels from the calibration standard, the audiometer must be recalibrated by either a calibration laboratory or the audiometer manufacturer before it may be used to test hearing. Date of the last calibration check or recalibration must be prominently displayed on the audiometer.

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

6. Purchase agreement. A dealer-licensee who practices the fitting of and dealing in or sale of hearing aids shall deliver to each person supplied with a hearing aid a written notice prior to or at the time the hearing aid is purchased. The notice must include all of the provisions prescribed in this section. The board shall prepare a model notice containing all the requirements of this section and shall furnish copies upon request.

A. The notice must include the dealer-licensee's signature, address of place of business and license number. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

B. The notice must include the mailing address of the board. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

C. The notice must include specifications as to the make and model of the hearing aid furnished, including:

(1) The brand name or manufacturer's name and the model;

(2) The serial number, notification of which must be given in writing later if not known at the time of the notice; and

(3) The condition of the hearing aid, whether new, used or reconditioned. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

D. The notice must include the full terms of sale, including the following terms.

(1) There must be a full and complete disclosure of the cost of financing the purchase of the hearing aid.

(2) The notice must include the complete terms of service, including cost of service, what services are available, by whom and for how long the service is provided, including house or office calls, when applicable, and the terms of aftercare fitting.

(3) If the initial price of the hearing aid furnished is reduced by trade-in allowance or discount, the notice must conspicuously include the initial price of the hearing aid before trade-in allowance or discount, the amount of the trade-in allowance or discount and the final price to the consumer.

(4) The notice must include the provisions of the 30-day trial period and 60-day medical return period as set out under this section. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

E. The notice must include the date of the sale. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

F. The notice must include the terms of guarantee or warranty, including:

(1) The characteristics or properties of the hearing aid or parts of the hearing aid covered by or excluded from the guarantee or warranty;

(2) The duration of the guarantee or warranty;

(3) The conditions, if any, that the purchaser must fulfill before the guarantor or warrantor must perform the guarantor's or warrantor's obligations;

(4) The obligations of the guarantor or warrantor, including obligations as to repair or replacement of hearing aids and refunding of the purchase price or part of the purchase price; and

(5) The identity and address of the guarantor or warrantor. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

G. When an individual practicing the fitting and sale of hearing aids furnishes to a purchaser a hearing aid of a different make, model or specification than requested, the notice must include a statement of this fact. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

H. The notice must conspicuously include the following: "An examination or representation made by a dealer-licensee in connection with the fitting and selling of a hearing aid or aids is not an examination, diagnosis or prescription by an individual licensed to practice medicine in this State and may not be regarded as medical opinion or advice." [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

I. The board may adopt rules to define further the requirements of this section in order to provide the purchaser with additional information to be contained in the notice provisions. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

J. A provision of a contract that limits or conditions in any way the right guaranteed to purchasers by this section is deemed to be against public policy and void. A violation of the requirements of this section, in addition to being unethical conduct as defined by the regulations pursuant to section 17307, constitutes a violation of the Maine Unfair Trade Practices Act. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

K. A dealer-licensee may not sell or furnish a hearing aid to a person 18 years of age or younger without a written statement, signed by a physician with specialized training in the field of otolaryngology, that the person has had an ear or hearing examination within 90 days of the purchase or furnishing of the hearing aid and that a hearing aid is recommended for the person.

The board shall adopt rules for the requirements for reexamination. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The board shall by rule list and define certain medical conditions affecting hearing. If a dealer has notice of the existence of one or more of the conditions in the case of a prospective purchaser of a hearing aid, whether by the dealer-licensee's observation of the prospective purchaser or by information furnished by the prospective purchaser, fitting of the hearing aid must be delayed until the purchaser has had an ear or hearing examination administered by a physician with specialized training in the field of otolaryngology or by an audiologist who, as a result of such an examination, recommends in writing a hearing aid for the prospective purchaser.

Nothing in this chapter may be construed to require an ear or hearing examination by a physician or audiologist of a person who objects to the examination on the grounds that the examination conflicts with the tenets and practices of a church or religious denomination of which the person is a member or adherent. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

§17306. Scope of practice; speech-language pathologist

Speech-language pathologists identify, assess and provide treatment for individuals of all ages with communication and swallowing disorders. Speech-language pathologists may: [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Human communication. Manage and supervise programs and services related to human communication and its disorders;
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

2. Speech-language pathology. Counsel families, individuals and caregivers with respect to speech-language pathology; and
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

3. Consultation; referrals; programs. Provide consultation, make referrals and develop preventative programs.
[PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

The provisions of this section pertaining to the scope of practice for speech-language pathologists neither limit nor infringe upon licensure laws of other regulated professions in this State. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

§17307. Denial or refusal to renew license; disciplinary action

The board has authority to investigate all complaints made to it and all cases of noncompliance with or violation of this chapter. In addition to the grounds enumerated in Title 10, section 8003, subsection 5, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5, paragraphs B and C for: [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

1. Unfair and deceptive practices. Engaging in unfair or deceptive practices as defined by the rules established by the board or violating the code of ethics adopted and published by the board, including selling or causing to be sold a hearing aid to a person who has not been given tests such as pure tone, air and bone audiometry or other hearing assessments as determined by the board. The results of these tests must be permanently filed;

[PL 2019, c. 165, §34 (AMD).]

2. Negligence. Incompetence, negligence or neglect in the conduct of the practice of dealing in and fitting of hearing aids, including, but not limited to, the improper fitting of a hearing aid, the sale of a hearing aid to a person with normal hearing, making an ear mold impression or fitting an ear mold without prior inspection of the external ear canal, making an ear mold impression or fitting an ear mold after prior inspection revealed the presence of, or impacted, cerumen in the ear canal, the failure to indicate the need for medical or audiological evaluation when the prospective purchaser's history reveals a probable risk of disease or progressive hearing impairment, the failure to make the required medical referrals, the incorrect reporting of hearing test results to a person, the failure to be present to fit the final hearing aid in the ear of the purchaser and the tampering with a satisfactorily performing hearing aid owned by a purchaser or potential purchaser to cause that hearing aid to no longer perform correctly; or
[PL 2019, c. 165, §34 (AMD).]

3. Prohibited conduct. A violation of section 17311.
[PL 2019, c. 165, §35 (NEW).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2019, c. 165, §§34, 35 (AMD).

§17308. License; renewal

A license issued under this chapter expires at a time that the commissioner may designate. Every individual licensed under this chapter shall pay the renewal fee as set under section 17309. Renewals are contingent upon evidence of participation in continuing professional education as determined by the board; temporary licensees, speech-language pathology assistants and trainees are exempt from this requirement. A license may be renewed up to 90 days after the date of its expiration upon payment of the late fee and renewal fee under section 17309. An individual who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may, in its discretion, waive examination if that renewal application is received together with the late fee and renewal fee under section 17309 within 2 years from the date of the expiration. [PL 2019, c. 503, Pt. E, §4 (AMD).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2019, c. 503, Pt. E, §4 (AMD).

§17309. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for the purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that a fee for any one purpose may not exceed $325 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2011, c. 286, Pt. B, §5 (REV).

§17310. Inactive status

The board shall adopt rules that provide that an individual licensed under this chapter may, upon written request, be placed on inactive status. The board may place the licensee on inactive status only

upon proper application by the licensee. During inactive status, the licensee must renew the license and pay the license fees as set under section 17309, but is not required to meet the continuing education requirements under section 17308. The board shall adopt rules by which a license in an inactive status may be reactivated. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 369, Pt. C, §3 (NEW); PL 2007, c. 369, Pt. C, §5 (AFF).]

SECTION HISTORY

PL 2007, c. 369, Pt. C, §3 (NEW). PL 2007, c. 369, Pt. C, §5 (AFF).

§17311. Prohibition on providing conversion therapy to minors

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor. [PL 2019, c. 165, §36 (NEW).]

SECTION HISTORY

PL 2019, c. 165, §36 (NEW).

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