

IN THE MATTER OF

*

MILTON REYES

*

Limited License Number

*

02804

*

Case Number AHS-05-2019

*

*

*

BEFORE THE MARYLAND

BOARD OF EXAMINERS FOR

AUDIOLOGISTS, HEARING

AID DISPENSERS & SPEECH

LANGUAGE PATHOLOGISTS

CONSENT ORDER OF SUSPENSION AND FINE

On or about March 27, 2019, the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists (the “Board”) received the limited license renewal application for Milton Reyes, H.A.D., L.L. (the “Respondent”), Limited License Number 02804. Noting that the Respondent had submitted the incorrect limited license application and that his limited license expired on February 9, 2019, the Board contacted the Respondent. The Respondent admitted to the Board that he had been working as a limited licensee since February 9, 2019 without a valid license. The Board informed the Respondent that he must cease his practice as a hearing aid dispenser limited licensee and initiated an investigation. A Board investigator interviewed the Respondent on or about May 10, 2019.

Based upon the Board’s investigation and the Respondent’s interview with the Board’s investigator, on June 20, 2019, the Board voted to offer a Pre-Charge Consent Order of Suspension and Fine to the Respondent, in lieu of issuing Charges for violations of the Maryland Audiology, Hearing Aid Dispensing, and Speech-Language Pathologists Act (the “Act”), Md. Code Ann., Health Occupations Article (“H.O.”) § 2-101 *et seq.* As a result of that offer, the Respondent and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. On or about February 9, 2018, the Board issued the Respondent a limited license to practice as a hearing aid dispenser in the State of Maryland, Limited License Number 02804.

2. The Respondent is currently employed by the Costco Hearing Aid Center in Silver Spring, Maryland.

3. After failing to submit a renewal application by the applicable deadline, the Respondent's license expired on February 9, 2019.

4. On or about March 27, 2019, the Board received the Respondent's license renewal application. A review of the Respondent's renewal application revealed that the Respondent submitted a speech-language pathology application to the Board in error.

5. The Board immediately contacted the Respondent to inform him that he submitted the incorrect application and that his limited license to practice as a hearing aid dispenser expired on February 9, 2019. The Respondent admitted to Board staff that he was aware that he had been practicing with an expired license. The Board initiated an investigation and requested that the Respondent submit a statement explaining his unlicensed practice.

6. In an email dated March 27, 2019, the Respondent explained that he believed that his limited license expiration date was March 9, 2019, and that he contacted the Board at that time to resolve the situation but received no response from the Board. He stated that it was a "mental mistake" on his part and acknowledged that as the licensee, "it [was] his responsibility" to keep his license current.

7. On or about May 10, 2019, a Board investigator interviewed the Respondent. During that interview, the Respondent again admitted that he had practiced as a hearing aid

dispenser with without a valid license between February 9, 2019 and March 27, 2019. The Respondent stated that since March 27, 2019, his status with his employer has been changed to that of an “attendant” where he performs clerical tasks and schedules appointments.

8. The Respondent also admitted during his interview that, as of May 10, 2019, he had not informed his employer’s payroll department of his change in status and that he continues to collect the higher hourly rate of a limited licensee.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated the following provisions under the Act:

Md. Code Ann., Health Occ. Art.:

§ 2-401(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice...hearing aid dispensing...in this State unless licensed by the Board to practice...hearing aid dispensing...

§ 2-402.1 Unless authorized under this title to practice hearing aid dispensing or unless otherwise provided for in this article, a person may not represent to the public by use of a title, by description of services, methods, or procedures, or otherwise that the person is authorized to practice hearing aid dispensing in this State.

The Board also concludes that, by practicing hearing aid dispensing without a limited license, the Respondent violated Md. Code Ann., Health Occ. Art. § 2-314(5), (10), and (12) and the Code of Maryland Regulations (“COMAR”). Specifically:

§ 2-314 ...[T]he Board, may reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

- (5) Obtains a fee through fraud or misrepresentation;
- (10) Commits any act of unprofessional conduct in the practice of...hearing aid dispensing...; and
- (12) Violates any provision of this title.

COMAR 10.41.02,02(C)(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.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the limited license of the Respondent to practice as a hearing aid dispenser in the State of Maryland, Limited License Number 02804, is hereby **SUSPENDED** for **NINETY (90) DAYS**. The suspension shall commence upon the effective date of this Order or as agreed upon in advance by the Board; and it is further

ORDERED that the Respondent shall pay to the Board a monetary fine of **ONE THOUSAND DOLLARS (\$1,000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order. Failure to pay this monetary fine in full to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order shall constitute a violation of this Consent Order; and it is further


ORDERED that the Respondent shall comply with and practice within all statutes and regulations governing the practice of hearing aid dispensing in the State of Maryland; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under Md. Code Ann., Health Occ. § 2-314 including

probation, suspension, revocation, and/or additional monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Ann., General Provisions § 4-101 *et seq.*

1/6/20
Date


Jennifer Mertes, Au.D., Chair
Maryland Board of Examiners for Audiologists,
Hearing Aid Dispensers, and Speech-Language
Pathologists


CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the legal authority and jurisdiction of the Board to

initiate these proceedings and to issue and enforce this Consent order. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

12/03/19
Date


Milton Reyes, License Number 02804

NOTARIZATION

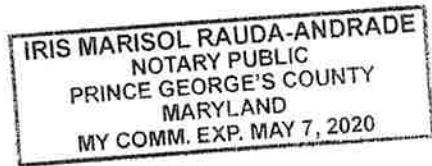
STATE: Maryland

CITY/COUNTY: Montgomery

I HEREBY CERTIFY that on this 23rd day of December, 2019, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Milton Reyes** and made oath in due form of law that the foregoing was the voluntary act and deed of **Milton Reyes**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



A handwritten signature in cursive script, appearing to read "Iris Rauda", written over a horizontal line.

Notary Public

My Commission Expires: 05 - 07 - 2020