

<p><b>IN THE MATTER OF</b></p> <p><b>DANIEL MANCO, HAD</b></p> <p><b>RESPONDENT</b></p> <p><b>License Number: 02606</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND STATE</b></p> <p><b>BOARD OF EXAMINERS FOR</b></p> <p><b>AUDIOLOGISTS, HEARING AID</b></p> <p><b>DISPENSERS AND SPEECH-</b></p> <p><b>LANGUAGE PATHOLOGISTS</b></p> <p><b>Case Number: AHS-006-2019</b></p>
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**CONSENT ORDER**

The Maryland State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists (the “Board”) charged **Daniel Manco, Hearing Aid Dispenser** (the “Respondent”), License Number 02606, with violating various provisions of the Maryland Audiology, Hearing Aid Dispensing, and Speech-Language Pathology Act (the “Act”), Md. Code Ann., Health Occ. §§ 2-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.), and the regulations adopted by the Board, at Md. Code Regs. (“COMAR”) §§ 10.41.01 *et seq.*

The pertinent provisions of the Act provide the following:

**§ 2-314. Denials, reprimands, suspensions, and revocations -- Grounds**

Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license or limited license to any applicant, 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:

....

(10) Commits any act of unprofessional conduct in the practice of audiology, hearing aid dispensing, or speech-language pathology, or the assistance of the practice of speech-language pathology;

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....

(15) Practices audiology, hearing aid dispensing, or speech-language pathology, or assists in the practice of speech-language pathology with an unauthorized person or supervises or aids an unauthorized person in the practice of audiology, hearing aid dispensing, or speech-language pathology, or assistance of the practice of speech-language pathology[.]

The pertinent provisions of Md. Code Regs. (“COMAR”), provide the following:

**COMAR 10.41.08.06 Practice of Limited License**

...

E. A licensee who supervises an applicant for a limited shall assume full responsibility for the ethical conduct of the limited licensee.

On December 4, 2020, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Respondent, his attorney, Paul A. Tiburzi, Esq. and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of the negotiations at the CRC the parties agreed to the following Consent Order.

**FINDINGS OF FACT**

The Board finds that:

**I. Background**

1. On or about November 20, 2006, the Respondent was initially licensed to practice as a hearing aid dispenser (“HAD”) in the State of Maryland under license number

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02606. The Respondent's hearing aid dispenser license is current through January 31, 2021.

2. At all times relevant, the Respondent was licensed to practice as a hearing aid dispenser in the State of Maryland.

3. On or about March 27, 2019, the Board received information the Respondent, while acting as a Hearing Aid Dispenser Supervisor, allowed an individual with a lapsed hearing aid dispenser limited license to continue to practice as a hearing aid dispenser under the Respondent's supervision.

4. Based on the Complaint, the Board initiated an investigation.

## **II. Board Investigation**

5. According to a review of available records, the Respondent is employed as a hearing aid dispenser in the hearing center (the "Center") of a store (the "Store") located in Maryland.

6. In 2019, an individual ("Individual A") was working as a hearing aid dispenser at the Center on a limited license and under the Respondent's supervision.

7. Individual A was issued a limited license to practice as a hearing aid dispenser by the Board on or about February 9, 2018.

8. Individual A failed to submit a renewal application to the Board by the applicable deadline, and Individual A's limited license to practice as a hearing aid dispenser expired on or about February 9, 2019.

9. On or about March 27, 2019, Individual A submitted a renewal application to the Board, however, it was revealed that Individual A had submitted, in error, a renewal application for speech-language pathology license renewal.

10. On or about March 27, 2019, the Board telephoned Individual A and notified him that he had submitted the wrong type of renewal application. During the telephone call, Individual A admitted that he had been practicing as a hearing aid dispenser at the Center between February 9, 2019 and March 27, 2019, during the time that his limited license was expired. The Board staff member documented that she told Individual A he must cease and desist practicing immediately.

11. In an email dated March 27, 2019, Individual A explained that he believed his limited license expired on March 9, 2019, and that it was a “mental mistake” on his part and acknowledged that as the licensee, “it [was] his responsibility” to keep his license current.

12. The Board Investigator interviewed Individual A on May 10, 2019 who stated the following:

a. He was initially issued a limited license to practice as a hearing aid dispenser from 2015 until 2017.

b. After he failed the exam and his limited license expired in February 2017, he had to wait a year until 2018 before he could reapply for, and practice under, a limited license.

c. He was issued a limited license again in 2018 and thought his license expired in March 2019.

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d. He told the Respondent he made a mistake and did not renew his limited license. The Respondent assisted him on the computer in obtaining a renewal application and mistakenly printed out the renewal application for speech-language pathology license.

e. He found out that his limited license had already expired in February 2019 when the Board called him on March 27, 2019 to tell him he had submitted the wrong renewal application.

f. His limited license was on display on the Center's wall, but he took it down after receiving the call from the Board on March 27, 2019.

13. On May 10, 2019, the Board Investigator interviewed the Respondent under oath, who stated the following:

a. He is currently employed at the Center as a senior hearing aid specialist, and has been working there for approximately 14 years.

b. He has known Individual A since middle school. They are friends.

c. In 2015, Individual A applied for his license for the first time. Individual A had a license from 2015 to 2016, but he didn't take the test during that period.<sup>1</sup>

d. Individual A was the first person he had ever supervised on a limited license.

e. Individual A waited until after he renewed in 2016 to take the exam.<sup>2</sup> Individual A passed the practical exam, but failed the written exam right before his license was going to expire in 2017.

f. In 2017, they called the Board to ask if Individual A could still renew his limited license if he didn't pass the exam and the Board said "no."<sup>3</sup> Therefore, he

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<sup>1</sup> In accordance with Health Occ. § 2-310.1(d), "a limited license to practice hearing aid dispensing expires on the first anniversary of its effective date."

<sup>2</sup> Under Health Occ. § 2-310.1(e), a limited license to practice as a hearing aid dispenser may be renewed once for an additional 1-year term for an individual who has either taken but failed to pass the exam; or, has not taken the exam for what has been deemed by the Board as an adequate excuse.

<sup>3</sup> In accordance with Health Occ. § 2-310-1(f)-(g), the total amount of time an individual may practice on a limited license may not be more than 2 years. If the individual fails to receive a full license within 2

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knew after talking to the Board in 2017 that Individual A wasn't able to practice after his limited license expired on February 9, 2017.

g. Individual A had to wait another year before he was able to apply for another limited license.

h. After Individual A's limited license had expired, Individual A worked as an "attendant" cleaning, checking the hearing aids, and helping "out front."

i. Individual A told him on or about March 27, 2019, that his limited license had expired and that Individual A had spoken to someone at the Board who instructed him to cease and desist practicing. After Individual A told him, Individual A was removed from the appointment schedule.

j. He was not "in the loop" and didn't know that Individual A's license had expired on February 9, 2019.

k. Individual A had practiced as a hearing aid dispenser on an expired limited license from February 9, 2019 to March 27, 2019.

l. It was Individual A's responsibility to renew his license and "there's not really any other way [he, the Respondent,] would know."

m. He admitted that Individual A's license was posted in view at the Store's hearing center.

n. As of May 10, 2019, he had not notified any supervisors at the Store that Individual A's limited license expired on February 9, 2019.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated:

#### **§ 2-314. Denials, reprimands, suspensions, and revocations -- Grounds**

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years after the initial limited license was issued, the individual must wait a minimum of 1 year before he/she can reapply for another license.

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Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license or limited license to any applicant, 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:

....  
(10) Commits any act of unprofessional conduct in the practice of audiology, hearing aid dispensing, or speech-language pathology, or the assistance of the practice of speech-language pathology;  
....

(15) Practices audiology, hearing aid dispensing, or speech-language pathology, or assists in the practice of speech-language pathology with an unauthorized person or supervises or aids an unauthorized person in the practice of audiology, hearing aid dispensing, or speech-language pathology, or assistance of the practice of speech-language pathology[.]

And,

#### **COMAR 10.41.08.06 Practice of Limited License**

...  
E. A licensee who supervises an applicant for a limited shall assume full responsibility for the ethical conduct of the limited licensee.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of January, 2021, hereby **ORDERED** that the Respondent's license to practice as a hearing aid dispenser in the State of Maryland is hereby **REPRIMANDED**; and it is further **ORDERED** that the Respondent's license to practice as a hearing aid dispenser in the State of Maryland shall be placed on **PROBATION** for a **minimum of ONE (1) YEAR**, beginning the effective date of this Consent Order, subject to the following conditions:

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1. The Respondent's status as a hearing aid dispenser shall be listed in the Board's database and on its website as being on "Probation";
2. The Respondent shall pay to the Board a monetary fine in the amount of **ONE THOUSAND DOLLARS (\$1,000)** within **NINETY (90) DAYS** of the effective date of this Consent Order;
3. The Respondent shall provide written verification that he has completed **TWENTY (20) CONTINUING EDUCATION** credits, which shall include a Board pre-approved **ethics** course.
4. The continuing education credits required in the foregoing paragraph cannot be used to satisfy the requirements for license renewal and are in addition to those required to renew his license; and it is further

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

**ORDERED** that if the Respondent's license expires or becomes inactive during the period of probation, the probation and any conditions will be tolled; and it is further

**ORDERED** that at the conclusion of the **ONE (1) YEAR** probationary period, the Respondent may petition the Board for a termination of his probation. The Board may terminate the Respondent's probation depending on whether he has fulfilled all of the terms and conditions of the Consent Order, and whether there are any pending complaints against him; and it is further

**ORDERED** that if the Respondent violates any of the terms and conditions of the Probation and/or this Consent Order, the Board, in its discretion, after notice and an




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opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any sanction that the Board may have imposed in this case, including additional probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

**ORDERED** that the for the public disclosure, this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014) and is reportable to any entity to who the Board is obligated to report.<sup>4</sup>

3/15/2021  
Date

  
\_\_\_\_\_  
Dr. Jennifer Mertes, Au.D., Board Chair  
Maryland State Board for Audiologists, Hearing Aid  
Dispensers, and Speech-Language Pathologists

<sup>4</sup> This includes the Board's public website and NPDB.

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**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.

3/2/2021  
Date

  
Daniel Manco, License No. 02606

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NOTARIZATION

STATE: Maryland

CITY/COUNTY: Montgomery

I HEREBY CERTIFY that on this 2<sup>ND</sup> day of March, 2021, before me,  
a Notary Public of the State and City/County aforesaid, personally appeared **Daniel Manco** and made oath in due form of law that the foregoing was the voluntary act and deed of **Daniel Manco**.

AS WITNESSETH my hand and Notarial Seal.

*Barbara Rosas*

SEAL

