

1 **CHILDREN'S HEARING AID PROGRAM AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

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5 **LONG TITLE**

6 **General Description:**

7 This bill amends provisions of the Health Code related to providing hearing aids for  
8 children.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ converts the Children's Hearing Aid Pilot Program to a permanent program;
- 12 ▶ modifies eligibility requirements for the program;
- 13 ▶ establishes a repeal date for certain sections of the Health Code; and
- 14 ▶ makes technical and conforming amendments.

15 **Money Appropriated in this Bill:**

16 This bill appropriates in fiscal year 2016:

- 17 ▶ to the General Fund Restricted - Children's Hearing Aid Program Account, as an  
18 ongoing appropriation:
  - 19 • from the General Fund, \$100,000; and
- 20 ▶ to the Department of Health - Family Health and Preparedness, as an ongoing  
21 appropriation:
  - 22 • from the General Fund Restricted - Children's Hearing Aid Program Account,  
23 \$100,000.

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **26-10-11**, as enacted by Laws of Utah 2013, Chapter 195

29 **63I-1-226**, as last amended by Laws of Utah 2014, Chapters 25 and 118

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31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **26-10-11** is amended to read:

33 **26-10-11. Children's Hearing Aid Program.**

34 (1) ~~[(a) There is established a pilot]~~ The department shall offer a program to provide  
 35 hearing aids to children [younger than three years old with hearing loss] who qualify under this  
 36 section.

37 ~~[(b) The department shall administer the program beginning on July 1, 2013, and~~  
 38 ~~ending June 30, 2015.]~~

39 (2) The department shall provide hearing aids to a child who:

40 (a) is younger than six years old;

41 ~~[(a)]~~ (b) is a resident of Utah;

42 ~~[(b)]~~ (c) has been diagnosed with hearing loss by [an audiologist with pediatric  
 43 expertise as having hearing loss];

44 (i) an audiologist with pediatric expertise; and

45 (ii) a physician;

46 ~~[(c)]~~ (d) provides documentation from an audiologist with pediatric expertise certifying  
 47 that the child needs hearing aids;

48 ~~[(d)]~~ (e) has obtained medical clearance by a medical provider for hearing aid fitting;

49 ~~[(e) is younger than three years old;]~~

50 (f) does not qualify to receive a contribution that equals the full cost of a hearing aid  
 51 [through] from the state's Medicaid program or the Utah Children's Health Insurance Program;  
 52 and

53 (g) meets the financial need qualification criteria established by the department by rule,  
 54 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for  
 55 participation in the [pilot] program.

56 (3) (a) There is established the Children's Hearing Aid Advisory Committee.

57 (b) The committee shall be composed of five members appointed by the executive  
 58 director, and shall include:

59 (i) one audiologist with pediatric expertise;

60 (ii) one speech language pathologist;

61 (iii) one teacher, certified under Title 53A, State System of Public Education, as a  
 62 teacher of the deaf or a listening and spoken language therapist;

63 (iv) one ear, nose, and throat specialist; and

64 (v) one parent [~~who has a child older than three years old with hearing loss.~~] whose  
65 child:

66 (A) is six years old or older; and

67 (B) has hearing loss.

68 (c) A majority of the members constitutes a quorum.

69 (d) A vote of the majority of the members, with a quorum present, constitutes an action  
70 of the committee.

71 (e) The committee shall elect a chair from its members.

72 (f) The committee shall:

73 (i) meet at least quarterly;

74 (ii) recommend to the department medical criteria and procedures for selecting children  
75 who may qualify for assistance from the account; and

76 (iii) review rules developed by the department.

77 (g) A member may not receive compensation or benefits for the member's service, but  
78 may receive per diem and travel expenses in accordance with Sections 63A-3-106 and  
79 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and  
80 63A-3-107.

81 (h) The department shall provide staff to the committee.

82 (4) (a) There is created within the General Fund a restricted account known as the  
83 "Children's Hearing Aid [~~Pilot~~] Program Restricted Account."

84 (b) The Children's Hearing Aid [~~Pilot~~] Program Restricted Account shall consist of:

85 (i) amounts appropriated to the account by the Legislature; and

86 (ii) gifts, grants, devises, donations, and bequests of real property, personal property, or  
87 services, from any source, or any other conveyance that may be made to the account from  
88 private sources.

89 (c) Upon appropriation, all actual and necessary operating expenses for the committee  
90 [~~under~~] described in Subsection (3) shall be paid by the account.

91 (d) Upon appropriation, no more than 9% of the account money may be used for  
92 [~~administrative or other expenses of the department~~] the department's expenses.

93 (e) If this account is repealed in accordance with Section 63I-1-226, any remaining  
94 assets in the account shall be deposited into the General Fund.

95 (5) The department shall make rules [~~establishing a process to~~], in accordance with  
96 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures for::

97 (a) [~~identify~~] identifying the children who are financially eligible to receive services  
98 under the [~~pilot~~] program; and

99 (b) [~~review and pay~~] reviewing and paying for services provided to a child under the  
100 [~~pilot~~] program.

101 [~~(6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah~~  
102 ~~Administrative Rulemaking Act, regarding implementation of the pilot program created under~~  
103 ~~this section.~~]

104 [~~(7) The services provided under the pilot program created by this section:]~~

105 [~~(a) do not constitute a legal right or an entitlement of any kind; and]~~

106 [~~(b) may be withdrawn from a person at any time without notice and without cause.]~~

107 [~~(8)(a) The department shall make midterm and final reports to the Health and Human~~  
108 ~~Services Interim Committee.]~~

109 [~~(b) The midterm and final reports shall identify the operation and accomplishments of~~  
110 ~~the pilot program described in this section.]~~

111 [~~(c) The final report shall:]~~

112 [~~(i) recommend whether the Legislature should convert the pilot program to an ongoing~~  
113 ~~program within the department; and]~~

114 [~~(ii) recommend statutory changes, if any, relating to the program.]~~

115 [~~(9) The Health and Human Services Interim Committee shall:]~~

116 [~~(a) determine whether the pilot program described in this section should be converted~~  
117 ~~to an ongoing program within the department; and]~~

118 [~~(b) if the Health and Human Services Interim Committee determines that the pilot~~  
119 ~~program should be converted to an ongoing program, prepare legislation to implement that~~  
120 ~~conversion.]~~

121 (6) The department shall, before December 1 of each year, submit a report to the  
122 Health and Human Services Interim Committee that describes the operation and  
123 accomplishments of the program.

124 Section 2. Section **63I-1-226** is amended to read:

125 **63I-1-226. Repeal dates, Title 26.**

- 126 (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
- 127 1, 2015.
- 128 (2) Section 26-10-11 is repealed July 1, [~~2015~~] 2020.
- 129 (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July 1,
- 130 2013.
- 131 (4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is repealed
- 132 July 1, 2018.
- 133 (5) Section 26-21-211 is repealed July 1, 2013.
- 134 (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 135 (7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.
- 136 (8) Section 26-38-2.5 is repealed July 1, 2017.
- 137 (9) Section 26-38-2.6 is repealed July 1, 2017.
- 138 (10) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2016.

139 **Section 3. Appropriation.**

140 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
 141 the fiscal year beginning July 1, 2015, and ending July 1, 2016, the following sums of money  
 142 are appropriated from resources not otherwise appropriated, or reduced from amounts  
 143 previously appropriated, out of the funds or accounts indicated. Theses sums of money are in  
 144 addition to any amounts previously appropriated for fiscal year 2016.

145 To General Fund Restricted - Children's Hearing Aid Program Account

From General Fund, ongoing	<u>\$100,000</u>
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147 Schedule of Programs:

148 General Fund Restricted - Children's Hearing Aid

Program Account	<u>\$100,000</u>
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150 To Department of Health - Family Health and Preparedness

151 From General Fund Restricted - Children's Hearing

Aid Program Account, ongoing	<u>\$100,000</u>
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153 Schedule of Programs

Children with Special Health Care Needs	<u>\$100,000</u>
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155 The Legislature intends that the Department of Health use appropriations under this  
 156 section to provide hearing aids to children consistent with Section 26-10-11.

157 Section 4. **Effective date.**

158 This bill takes effect on July 1, 2015.