

**Effective 7/1/2015**

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

- (1) The department shall offer a program to provide hearing aids to children who qualify under this section.
- (2) The department shall provide hearing aids to a child who:
  - (a) is younger than six years old;
  - (b) is a resident of Utah;
  - (c) has been diagnosed with hearing loss by:
    - (i) an audiologist with pediatric expertise; and
    - (ii) a physician;
  - (d) provides documentation from an audiologist with pediatric expertise certifying that the child needs hearing aids;
  - (e) has obtained medical clearance by a medical provider for hearing aid fitting;
  - (f) does not qualify to receive a contribution that equals the full cost of a hearing aid from the state's Medicaid program or the Utah Children's Health Insurance Program; and
  - (g) meets the financial need qualification criteria established by the department by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for participation in the program.
- (3)
  - (a) There is established the Children's Hearing Aid Advisory Committee.
  - (b) The committee shall be composed of five members appointed by the executive director, and shall include:
    - (i) one audiologist with pediatric expertise;
    - (ii) one speech language pathologist;
    - (iii) one teacher, certified under Title 53A, State System of Public Education, as a teacher of the deaf or a listening and spoken language therapist;
    - (iv) one ear, nose, and throat specialist; and
    - (v) one parent whose child:
      - (A) is six years old or older; and
      - (B) has hearing loss.
  - (c) A majority of the members constitutes a quorum.
  - (d) A vote of the majority of the members, with a quorum present, constitutes an action of the committee.
  - (e) The committee shall elect a chair from its members.
  - (f) The committee shall:
    - (i) meet at least quarterly;
    - (ii) recommend to the department medical criteria and procedures for selecting children who may qualify for assistance from the account; and
    - (iii) review rules developed by the department.
  - (g) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with Sections 63A-3-106 and 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and 63A-3-107.
  - (h) The department shall provide staff to the committee.
- (4)
  - (a) There is created within the General Fund a restricted account known as the "Children's Hearing Aid Program Restricted Account."
  - (b) The Children's Hearing Aid Program Restricted Account shall consist of:
    - (i) amounts appropriated to the account by the Legislature; and

- (ii) gifts, grants, devises, donations, and bequests of real property, personal property, or services, from any source, or any other conveyance that may be made to the account from private sources.
- (c) Upon appropriation, all actual and necessary operating expenses for the committee described in Subsection (3) shall be paid by the account.
- (d) Upon appropriation, no more than 9% of the account money may be used for the department's expenses.
- (e) If this account is repealed in accordance with Section 63I-1-226, any remaining assets in the account shall be deposited into the General Fund.
- (5) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures for:
  - (a) identifying the children who are financially eligible to receive services under the program; and
  - (b) reviewing and paying for services provided to a child under the program.
- (6) The department shall, before December 1 of each year, submit a report to the Health and Human Services Interim Committee that describes the operation and accomplishments of the program.

Amended by Chapter 16, 2015 General Session