

Representative Rebecca P. Edwards proposes the following substitute bill:

CHILDREN'S HEARING AID PILOT PROGRAM

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Aaron Osmond

LONG TITLE

General Description:

This bill creates a pilot program to provide hearing aids to qualifying children with hearing loss.

Highlighted Provisions:

This bill:

- ▶ creates a two-year pilot program within the Department of Health to provide hearing aids to qualifying children with hearing loss;
- ▶ establishes the Children's Hearing Aid Advisory Committee to advise the Department of Health regarding qualification criteria and proposed rules;
- ▶ creates a restricted account within the General Fund called the "Children's Hearing Aid Pilot Program Restricted Account";
- ▶ directs the Department of Health to establish a process to identify eligible children for the pilot program;
- ▶ grants rulemaking authority to the Department of Health over the implementation of the pilot program;
- ▶ requires the Department of Health to report to the Health and Human Services Interim Committee on the outcomes of the pilot program; and
- ▶ requires the Health and Human Services Interim Committee to determine if the pilot



26 program should be converted to an ongoing program within the Department of Health.

27 **Money Appropriated in this Bill:**

28 This bill appropriates in fiscal year 2014:

29 ▶ to the General Fund Restricted - Children's Hearing Aid Pilot Program Account, as
30 an ongoing appropriation:

31 • from the General Fund - \$100,000; and

32 ▶ to the Department of Health - Family Health and Preparedness, as an ongoing
33 appropriation:

34 • from the General Fund Restricted - Children's Hearing Aid Pilot Program
35 Account - \$100,000.

36 **Other Special Clauses:**

37 This bill provides an effective date.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **63I-1-226**, as last amended by Laws of Utah 2012, Chapters 171 and 328

41 ENACTS:

42 **26-10-11**, Utah Code Annotated 1953



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

45 Section 1. Section **26-10-11** is enacted to read:

46 **26-10-11. Children's Hearing Aid Pilot Program.**

47 (1) (a) There is established a pilot program to provide hearing aids to children younger
48 than three years old with hearing loss.

49 (b) The department shall administer the program beginning on July 1, 2013, and ending
50 June 30, 2015.

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

52 (a) is a resident of Utah;

53 (b) has been diagnosed by an audiologist with pediatric expertise as having hearing
54 loss;

55 (c) provides documentation from an audiologist with pediatric expertise certifying that
56 the child needs hearing aids;

- 57 (d) has obtained medical clearance by a medical provider for hearing aid fitting;
58 (e) is younger than three years old;
59 (f) does not qualify to receive a hearing aid through the state's Medicaid program or
60 Utah Children's Health Insurance Program; and
61 (g) meets the financial need qualification criteria established by the department for
62 participation in the pilot program.
- 63 (3) (a) There is established the Children's Hearing Aid Advisory Committee.
64 (b) The committee shall be composed of five members appointed by the executive
65 director, and shall include:
66 (i) one audiologist with pediatric expertise;
67 (ii) one speech language pathologist;
68 (iii) one teacher, certified under Title 53A, State System of Public Education, as a
69 teacher of the deaf or a listening and spoken language therapist;
70 (iv) one ear, nose, and throat specialist; and
71 (v) one parent who has a child older than three years old with hearing loss.
72 (c) A majority of the members constitutes a quorum.
73 (d) A vote of the majority of the members, with a quorum present, constitutes an action
74 of the committee.
75 (e) The committee shall elect a chair from its members.
76 (f) The committee shall:
77 (i) meet at least quarterly;
78 (ii) recommend to the department medical criteria and procedures for selecting children
79 who may qualify for assistance from the account; and
80 (iii) review rules developed by the department.
81 (g) A member may not receive compensation or benefits for the member's service, but
82 may receive per diem and travel expenses in accordance with Sections 63A-3-106 and
83 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and
84 63A-3-107.
85 (h) The department shall provide staff to the committee.
86 (4) (a) There is created within the General Fund a restricted account known as the
87 "Children's Hearing Aid Pilot Program Restricted Account."

- 88 (b) The Children's Hearing Aid Pilot Program Restricted Account shall consist of:
89 (i) amounts appropriated to the account by the Legislature; and
90 (ii) gifts, grants, devises, donations, and bequests of real property, personal property, or
91 services, from any source, or any other conveyance that may be made to the account from
92 private sources.
- 93 (c) Upon appropriation, all actual and necessary operating expenses for the committee
94 under Subsection (3) shall be paid by the account.
- 95 (d) Upon appropriation, no more than 9% of the account money may be used for
96 administrative or other expenses of the department.
- 97 (e) If this account is repealed in accordance with Section 63I-1-226, any remaining
98 assets in the account shall be deposited into the General Fund.
- 99 (5) The department shall make rules establishing a process to:
100 (a) identify the children who are financially eligible to receive services under the pilot
101 program; and
102 (b) review and pay for services provided to a child under the pilot program.
- 103 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
104 Administrative Rulemaking Act, regarding implementation of the pilot program created under
105 this section.
- 106 (7) The services provided under the pilot program created by this section:
107 (a) do not constitute a legal right or an entitlement of any kind; and
108 (b) may be withdrawn from a person at any time without notice and without cause.
- 109 (8) (a) The department shall make midterm and final reports to the Health and Human
110 Services Interim Committee.
111 (b) The midterm and final reports shall identify the operation and accomplishments of
112 the pilot program described in this section.
- 113 (c) The final report shall:
114 (i) recommend whether the Legislature should convert the pilot program to an ongoing
115 program within the department; and
116 (ii) recommend statutory changes, if any, relating to the program.
- 117 (9) The Health and Human Services Interim Committee shall:
118 (a) determine whether the pilot program described in this section should be converted

119 to an ongoing program within the department; and

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

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

124 **63I-1-226. Repeal dates, Title 26.**

125 (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
126 1, 2015.

127 (2) Section 26-10-11 is repealed July 1, 2015.

128 [~~2~~] (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July
129 1, 2013.

130 [~~3~~] (4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is
131 repealed July 1, 2016.

132 [~~4~~] (5) Section 26-21-211 is repealed July 1, 2013.

133 [~~5~~] (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
134 2014.

135 [~~6~~] (7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1,
136 2013.

137 [~~7~~] (8) Section 26-38-2.5 is repealed July 1, 2017.

138 [~~8~~] (9) Section 26-38-2.6 is repealed July 1, 2017.

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, 2013, and ending June 30, 2014, the following sums of money
142 are appropriated from resources not otherwise appropriated, or reduced from amounts
143 previously appropriated, and out of the funds or accounts indicated. These sums of money are
144 in addition to any amounts previously appropriated for fiscal year 2014.

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

146 From General Fund \$100,000

147 Schedule of Programs:

148 General Fund Restricted - Children's Hearing

149 Aid Pilot Program Restricted Account \$100,000

