

Representative Norman K Thurston proposes the following substitute bill:

CHILDREN'S HEARING AID PROGRAM AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to providing hearing aids for children.

Highlighted Provisions:

This bill:

- ▶ extends the Children's Hearing Aid Pilot program for one year; and
- ▶ establishes a repeal date for certain sections of the Utah Health Code.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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



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

28 (b) The department shall administer the program beginning on July 1, 2013, and ending
29 June 30, [~~2015~~] 2016.

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

31 (a) is a resident of Utah;

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

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

36 (d) has obtained medical clearance by a medical provider for hearing aid fitting;

37 (e) is younger than three years old;

38 (f) does not qualify to receive a hearing aid through the state's Medicaid program or
39 Utah Children's Health Insurance Program; and

40 (g) meets the financial need qualification criteria established by the department for
41 participation in the pilot program.

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

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

45 (i) one audiologist with pediatric expertise;

46 (ii) one speech language pathologist;

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

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

50 (v) one parent who has a child older than three years old with hearing loss.

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

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

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

55 (f) The committee shall:

56 (i) meet at least quarterly;

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

59 (iii) review rules developed by the department.

60 (g) A member may not receive compensation or benefits for the member's service, but
61 may receive per diem and travel expenses in accordance with Sections [63A-3-106](#) and
62 [63A-3-107](#) and rules made by the Division of Finance, pursuant to Sections [63A-3-106](#) and
63 [63A-3-107](#).

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

65 (4) (a) There is created within the General Fund a restricted account known as the
66 "Children's Hearing Aid Pilot Program Restricted Account."

67 (b) The Children's Hearing Aid Pilot Program Restricted Account shall consist of:

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

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

72 (c) Upon appropriation, all actual and necessary operating expenses for the committee
73 under Subsection (3) shall be paid by the account.

74 (d) Upon appropriation, no more than 9% of the account money may be used for
75 administrative or other expenses of the department .

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

78 (5) The department shall make rules establishing a process to:

79 (a) identify the children who are financially eligible to receive services under the pilot
80 program; and

81 (b) review and pay for services provided to a child under the pilot program.

82 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
83 Administrative Rulemaking Act, regarding implementation of the pilot program created under
84 this section.

85 (7) The services provided under the pilot program created by this section:

86 (a) do not constitute a legal right or an entitlement of any kind; and

87 (b) may be withdrawn from a person at any time without notice and without cause.

88 (8) (a) The department shall make midterm and final reports to the Health and Human
89 Services Interim Committee.

90 (b) The midterm and final reports shall identify the operation and accomplishments of
91 the pilot program described in this section.

92 (c) The final report shall:

93 (i) recommend whether the Legislature should convert the pilot program to an ongoing
94 program within the department; and

95 (ii) recommend statutory changes, if any, relating to the program.

96 (9) ~~[The Health and Human Services Interim Committee shall:]~~ The department shall,
97 before December 1, 2015, submit a report to the Health and Human Services Interim
98 Committee that describes the operation and accomplishments of the program.

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

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

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

105 **63I-1-226. Repeal dates, Title 26.**

106 (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
107 1, 2015.

108 (2) Section 26-10-11 is repealed July 1, ~~[2015]~~ 2016.

109 (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July 1,
110 2013.

111 (4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is repealed
112 July 1, 2018.

113 (5) Section 26-21-211 is repealed July 1, 2013.

114 (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

115 (7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.

116 (8) Section 26-38-2.5 is repealed July 1, 2017.

117 (9) Section 26-38-2.6 is repealed July 1, 2017.

118 (10) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2016.