

Senator Aaron Osmond proposes the following substitute bill:

CHILDREN'S HEARING AID PROGRAM AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Aaron Osmond

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

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:



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

27 **26-10-11. Children's Hearing Aid Program.**

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

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

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

34 (a) is younger than six years old;

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

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

38 (i) an audiologist with pediatric expertise; and

39 (ii) a physician;

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

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

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

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

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

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

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

53 (i) one audiologist with pediatric expertise;

54 (ii) one speech language pathologist;

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

- 57 (iv) one ear, nose, and throat specialist; and
- 58 (v) one parent [~~who has a child older than three years old with hearing loss.~~] whose
- 59 child:
- 60 (A) is six years old or older; and
- 61 (B) has hearing loss.
- 62 (c) A majority of the members constitutes a quorum.
- 63 (d) A vote of the majority of the members, with a quorum present, constitutes an action
- 64 of the committee.
- 65 (e) The committee shall elect a chair from its members.
- 66 (f) The committee shall:
- 67 (i) meet at least quarterly;
- 68 (ii) recommend to the department medical criteria and procedures for selecting children
- 69 who may qualify for assistance from the account; and
- 70 (iii) review rules developed by the department.
- 71 (g) A member may not receive compensation or benefits for the member's service, but
- 72 may receive per diem and travel expenses in accordance with Sections [63A-3-106](#) and
- 73 [63A-3-107](#) and rules made by the Division of Finance, pursuant to Sections [63A-3-106](#) and
- 74 [63A-3-107](#).
- 75 (h) The department shall provide staff to the committee.
- 76 (4) (a) There is created within the General Fund a restricted account known as the
- 77 "Children's Hearing Aid [~~Pilot~~] Program Restricted Account."
- 78 (b) The Children's Hearing Aid [~~Pilot~~] Program Restricted Account shall consist of:
- 79 (i) amounts appropriated to the account by the Legislature; and
- 80 (ii) gifts, grants, devises, donations, and bequests of real property, personal property, or
- 81 services, from any source, or any other conveyance that may be made to the account from
- 82 private sources.
- 83 (c) Upon appropriation, all actual and necessary operating expenses for the committee
- 84 [~~under~~] described in Subsection (3) shall be paid by the account.
- 85 (d) Upon appropriation, no more than 9% of the account money may be used for
- 86 [~~administrative or other expenses of the department~~] the department's expenses.
- 87 (e) If this account is repealed in accordance with Section [63I-1-226](#), any remaining

88 assets in the account shall be deposited into the General Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119 **63I-1-226. Repeal dates, Title 26.**

120 (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
121 1, 2015.

122 (2) Section 26-10-11 is repealed July 1, [~~2015~~] 2020.

123 (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July 1,
124 2013.

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

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

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

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

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

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

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

133 Section 3. **Effective date.**

134 This bill takes effect on July 1, 2015.