

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

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rex P. Shipp**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Children's Hearing Aid Program.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the department to establish a sliding scale based on the income of the
13 child's family to determine the amount of assistance a child can receive under the
14 program; and

15 ▶ requires some of the assistance the department gives to be in the form of a loan.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **26-10-11**, as last amended by Laws of Utah 2019, Chapter 349

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

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

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

27 (1) The department shall offer a program to provide hearing aids to children who



28 qualify under this section.

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

30 (a) is younger than six years old;

31 (b) is a resident of Utah;

32 (c) has been diagnosed with hearing loss by:

33 (i) an audiologist with pediatric expertise; and

34 (ii) a physician or physician assistant;

35 (d) provides documentation from an audiologist with pediatric expertise certifying that

36 the child needs hearing aids;

37 (e) has obtained medical clearance by a medical provider for hearing aid fitting;

38 (f) does not qualify to receive a contribution that equals the full cost of a hearing aid

39 from the state's Medicaid program or the Utah Children's Health Insurance Program; and

40 (g) meets the financial need qualification criteria established by the department by rule,

41 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for

42 participation in the program.

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

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

46 (i) one audiologist with pediatric expertise;

47 (ii) one speech language pathologist;

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

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

51 (v) one parent whose child:

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

53 (B) has hearing loss.

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

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

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

58 (f) The committee shall:

- 59 (i) meet at least quarterly;
- 60 (ii) recommend to the department medical criteria and procedures for selecting children
61 who may qualify for assistance from the account; and
- 62 (iii) review rules developed by the department.
- 63 (g) A member may not receive compensation or benefits for the member's service, but
64 may receive per diem and travel expenses in accordance with Sections 63A-3-106 and
65 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and
66 63A-3-107.
- 67 (h) The department shall provide staff to the committee.
- 68 (4) (a) There is created within the General Fund a restricted account known as the
69 "Children's Hearing Aid Program Restricted Account."
- 70 (b) The Children's Hearing Aid Program Restricted Account shall consist of:
- 71 (i) amounts appropriated to the account by the Legislature; and
- 72 (ii) gifts, grants, devises, donations, and bequests of real property, personal property, or
73 services, from any source, or any other conveyance that may be made to the account from
74 private sources.
- 75 (c) Upon appropriation, all actual and necessary operating expenses for the committee
76 described in Subsection (3) shall be paid by the account.
- 77 (d) Upon appropriation, no more than 9% of the account money may be used for the
78 department's expenses.
- 79 (e) If this account is repealed in accordance with Section 63I-1-226, any remaining
80 assets in the account shall be deposited into the General Fund.
- 81 (5) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
82 Administrative Rulemaking Act, to establish procedures for:
- 83 (a) identifying the children who are financially eligible to receive services under the
84 program; and
- 85 (b) reviewing and paying for services provided to a child under the program~~[-]~~, subject
86 to the following requirements:
- 87 (i) the department shall establish a sliding scale based on the income of the child's
88 family to determine the amount of assistance the program shall provide;
- 89 (ii) if the income of the child's family is less than or equal to 150% of the federal

90 poverty level, the department shall provide assistance with no obligation to reimburse the
91 department;

92 (iii) if the income of the child's family exceeds 150% of the federal poverty level, the
93 department shall provide financial assistance in the form of a loan; and

94 (iv) the department may charge interest, not to exceed market rate, for the loan
95 described in Subsection (5)(b)(iii).

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