

1                                   **CHILDREN'S HEARING AID PILOT PROGRAM**

2   2013 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Rebecca P. Edwards**

5   Senate Sponsor: Aaron Osmond

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7   **LONG TITLE**

8   **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

13           ▶ creates a two-year pilot program within the Department of Health to provide hearing  
14 aids to qualifying children with hearing loss;

15           ▶ establishes the Children's Hearing Aid Advisory Committee to advise the  
16 Department of Health regarding qualification criteria and proposed rules;

17           ▶ creates a restricted account within the General Fund called the "Children's Hearing  
18 Aid Pilot Program Restricted Account";

19           ▶ directs the Department of Health to establish a process to identify eligible children  
20 for the pilot program;

21           ▶ grants rulemaking authority to the Department of Health over the implementation of  
22 the pilot program;

23           ▶ requires the Department of Health to report to the Health and Human Services  
24 Interim Committee on the outcomes of the pilot program; and

25           ▶ 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  
27 Health.

28 **Money Appropriated in this Bill:**

29           This bill appropriates in fiscal year 2014:

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

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

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

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

37 **Other Special Clauses:**

38 This bill provides an effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **63I-1-226**, as last amended by Laws of Utah 2012, Chapters 171 and 328

42 ENACTS:

43 **26-10-11**, Utah Code Annotated 1953



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

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

47 **26-10-11. Children's Hearing Aid Pilot Program.**

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

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

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

53 (a) is a resident of Utah;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 114 (c) The final report shall:
- 115 (i) recommend whether the Legislature should convert the pilot program to an ongoing
- 116 program within the department; and
- 117 (ii) recommend statutory changes, if any, relating to the program.
- 118 (9) The Health and Human Services Interim Committee shall:
- 119 (a) determine whether the pilot program described in this section should be converted
- 120 to an ongoing program within the department; and
- 121 (b) if the Health and Human Services Interim Committee determines that the pilot
- 122 program should be converted to an ongoing program, prepare legislation to implement that
- 123 conversion.

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

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

- 126 (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
- 127 1, 2015.
- 128 (2) Section 26-10-11 is repealed July 1, 2015.
- 129 [~~2~~] (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July
- 130 1, 2013.
- 131 [~~3~~] (4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is
- 132 repealed July 1, 2016.
- 133 [~~4~~] (5) Section 26-21-211 is repealed July 1, 2013.
- 134 [~~5~~] (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
- 135 2014.
- 136 [~~6~~] (7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1,
- 137 2013.
- 138 [~~7~~] (8) Section 26-38-2.5 is repealed July 1, 2017.
- 139 [~~8~~] (9) Section 26-38-2.6 is repealed July 1, 2017.

Section 3. **Appropriation.**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for

142 the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money  
143 are appropriated from resources not otherwise appropriated, or reduced from amounts  
144 previously appropriated, and out of the funds or accounts indicated. These sums of money are  
145 in addition to any amounts previously appropriated for fiscal year 2014.

146 To General Fund Restricted - Children's Hearing Aid Pilot Program Account  
147 From General Fund \$100,000  
148 Schedule of Programs:  
149 General Fund Restricted - Children's Hearing  
150 Aid Pilot Program Restricted Account \$100,000  
151 To Department of Health - Family Health and Preparedness  
152 From General Fund Restricted - Children's Hearing Aid  
153 Pilot Program Restricted Account \$100,000  
154 Schedule of Programs:  
155 Children with Special Health Care Needs \$100,000

156 The Legislature intends that:

157 (1) the Department of Health use appropriations under this section to provide hearing  
158 aids to children according to the requirements of Section 26-10-11; and

159 (2) the appropriations under this section be ongoing in fiscal years 2014 and 2015 only.

160 **Section 4. Effective date.**

161 (1) Except as provided in Subsection (2), this bill takes effect on May 14, 2013.

162 (2) Uncodified Section 3, Appropriation, takes effect on July 1, 2013.