

CHILDREN'S HEARING AID PILOT PROGRAM

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: _____

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 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 program should be converted to an ongoing program within the Department of 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



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 Account."
- 89 (b) The Children's Hearing Aid Pilot Program 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) All actual and necessary operating expenses for the committee under Subsection (3)
95 shall be paid by the account.

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

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

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

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

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

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

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

107 (b) may be withdrawn from a person at any time without notice and without cause.

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

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

112 (c) The final report shall:

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

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

116 (9) The Health and Human Services Interim Committee shall:

117 (a) determine whether the pilot program described in this section should be converted
118 to an ongoing program within the department; and

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

121 conversion.

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

123 **63I-1-226. Repeal dates, Title 26.**

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

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

127 [~~(2)~~] (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July
128 1, 2013.

129 [~~(3)~~] (4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is
130 repealed July 1, 2016.

131 [~~(4)~~] (5) Section 26-21-211 is repealed July 1, 2013.

132 [~~(5)~~] (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
133 2014.

134 [~~(6)~~] (7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1,
135 2013.

136 [~~(7)~~] (8) Section 26-38-2.5 is repealed July 1, 2017.

137 [~~(8)~~] (9) Section 26-38-2.6 is repealed July 1, 2017.

138 Section 3. **Appropriation.**

139 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
140 the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money
141 are appropriated from resources not otherwise appropriated, or reduced from amounts
142 previously appropriated, and out of the funds or accounts indicated. These sums of money are
143 in addition to any amounts previously appropriated for fiscal year 2014.

144 To General Fund Restricted - Children's Hearing Aid Pilot Program Account
145 From General Fund, ongoing \$100,000

146 Schedule of Programs:

147 General Fund Restricted - Children's Hearing
148 Aid Pilot Program Account \$100,000

149 To Department of Health - Family Health and Preparedness
150 From General Fund Restricted - Children's Hearing Aid
151 Pilot Program Account, ongoing \$100,000

152 Schedule of Programs:

153 Department of Health - Family Health and Preparedness \$100,000

154 The Legislature intends that:

155 (1) the Department of Health use appropriations under this section to provide hearing

156 aids to children according to the requirements of Section 26-10-11; and

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

158 Section 4. **Effective date.**

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

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

Legislative Review Note
as of 2-20-13 5:35 PM

Office of Legislative Research and General Counsel