

CHILDREN'S HEARING AID PROGRAM AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor: Luz Escamilla

Cosponsors: Norman K. Thurston

Travis M. Seegmiller

LONG TITLE

General Description:

This bill amends provisions relating to the Children's Hearing Aid Program.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Health to keep a record of the cost of providing a hearing aid to each child under the Children's Hearing Aid Program;
 - ▶ requires the department to send a letter to a family that participates in the Children's Hearing Aid Program informing the family of how it may donate to the program;
- and
- ▶ repeals a reporting requirement and sunset date.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

63I-1-226, as last amended by Laws of Utah 2020, Chapters 19, 154, 172, 181, 221, 232, 303, 347, and 429

29

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

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

32 **26-10-11. Children's Hearing Aid Program -- Advisory Committee -- Restricted**
33 **Account -- Rulemaking.**

34 (1) The department shall offer a program to provide hearing aids to children who
35 qualify under this section.

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

37 (a) is younger than six years old;

38 (b) is a resident of Utah;

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

40 (i) an audiologist with pediatric expertise; and

41 (ii) a physician or physician assistant;

42 (d) provides documentation from an audiologist with pediatric expertise certifying that
43 the child needs hearing aids;

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

45 (f) does not qualify to receive a contribution that equals the full cost of a hearing aid
46 from the state's Medicaid program or the Utah Children's Health Insurance Program; 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 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 53E, Public Education System -- State
56 Administration, as a teacher of the deaf or a listening and spoken language therapist;

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

85 department's expenses.

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

88 (5) (a) For each child who receives a hearing aid under Subsection (2), the department
89 shall maintain a record of the cost of providing services to the child under this section.

90 (b) No more than six months after services are provided to a child under this section,
91 the department shall send a letter to the family of the child who received services that includes
92 information regarding:

93 (i) the total amount paid by the department to provide services to the child under this
94 section; and

95 (ii) the process by which the family may donate all or part of the amount paid to
96 provide services to the child to fund the Children's Hearing Aid Program.

97 (c) All donations made under Subsection (6)(c) shall be deposited into the Children's
98 Hearing Aid Program Restricted Account created in Subsection (4)(a).

99 ~~[(5)] (6)~~ The department shall make rules, in accordance with Title 63G, Chapter 3,
100 Utah Administrative Rulemaking Act, to establish procedures for:

101 (a) identifying the children who are financially eligible to receive services under the
102 program; ~~and]~~

103 (b) reviewing and paying for services provided to a child under the program~~[-]; and~~

104 (c) an individual to donate to the program all or part of the cost of providing services to
105 a child under this section, without regard to whether the donation is made in response to the
106 letter described in Subsection (5)(b).

107 ~~[(6) The department shall, before December 1 of each year, submit a report to the~~
108 ~~Health and Human Services Interim Committee that describes the operation and~~
109 ~~accomplishments of the program.]~~

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

111 **63I-1-226. Repeal dates, Title 26.**

112 (1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory

113 Committee, is repealed July 1, 2024.

114 (2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed
115 July 1, 2025.

116 (3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
117 1, 2025.

118 (4) Section 26-1-40 is repealed July 1, 2022.

119 (5) Section 26-1-41 is repealed July 1, 2026.

120 (6) Section 26-7-10 is repealed July 1, 2025.

121 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
122 2028.

123 (8) Section 26-7-14 is repealed December 31, 2027.

124 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
125 1, 2025.

126 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
127 is repealed July 1, 2026.

128 [~~(11) Section 26-10-11 is repealed July 1, 2025.~~]

129 [(12)] (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is
130 repealed July 1, 2025.

131 [(13)] (12) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
132 July 1, 2027.

133 [~~(14) Subsection 26-18-417(3) relating to a report to the Health and Human services
134 Interim Committee is repealed July 1, 2020.~~]

135 [(15)] (13) Subsection 26-18-418(2), the language that states "and the Behavioral
136 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.

137 [(16)] (14) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant
138 Coordinating Committee, is repealed July 1, 2021.

139 [(17)] (15) Section 26-33a-117 is repealed on December 31, 2023.

140 [(18)] (16) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,

141 2024.

142 ~~[(19)]~~ (17) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July

143 1, 2024.

144 ~~[(20)]~~ (18) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is

145 repealed July 1, 2024.

146 ~~[(21)]~~ (19) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July

147 1, 2024.

148 ~~[(22)]~~ (20) Section [26-39-201](#), which creates the Residential Child Care Licensing

149 Advisory Committee, is repealed July 1, 2024.

150 ~~[(23)]~~ (21) Section [26-40-104](#), which creates the Utah Children's Health Insurance

151 Program Advisory Council, is repealed July 1, 2025.

152 ~~[(24)]~~ (22) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory

153 Committee, is repealed July 1, 2025.

154 ~~[(25)]~~ (23) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and

155 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

156 ~~[(26)]~~ (24) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is

157 repealed July 1, 2026.

158 ~~[(27)]~~ (25) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed

159 July 1, 2026.