

**Representative Norman K. Thurston** proposes the following substitute bill:

**CHILDREN'S HEARING AID PROGRAM AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rex P. Shipp**

Senate Sponsor: \_\_\_\_\_

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**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; and
- ▶ 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.

**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

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

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



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

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

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

31           (a) is younger than six years old;

32           (b) is a resident of Utah;

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

34           (i) an audiologist with pediatric expertise; and

35           (ii) a physician or physician assistant;

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

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

39           (f) does not qualify to receive a contribution that equals the full cost of a hearing aid  
40 from the state's Medicaid program or the Utah Children's Health Insurance Program; and

41           (g) meets the financial need qualification criteria established by the department by rule,  
42 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for  
43 participation in the program.

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

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

47           (i) one audiologist with pediatric expertise;

48           (ii) one speech language pathologist;

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

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

52           (v) one parent whose child:

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

54           (B) has hearing loss.

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

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

57 of the committee.

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

59 (f) The committee shall:

60 (i) meet at least quarterly;

61 (ii) recommend to the department medical criteria and procedures for selecting children  
62 who may qualify for assistance from the account; and

63 (iii) review rules developed by the department.

64 (g) A member may not receive compensation or benefits for the member's service, but  
65 may receive per diem and travel expenses in accordance with Sections 63A-3-106 and  
66 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and  
67 63A-3-107.

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

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

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

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

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

76 (c) Upon appropriation, all actual and necessary operating expenses for the committee  
77 described in Subsection (3) shall be paid by the account.

78 (d) Upon appropriation, no more than 9% of the account money may be used for the  
79 department's expenses.

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

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

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

87 (i) the total amount paid by the department to provide services to the child under this

88 section; and

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

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

93 ~~[(5)]~~ (6) The department shall make rules, in accordance with Title 63G, Chapter 3,  
94 Utah Administrative Rulemaking Act, to establish procedures for:

95 (a) identifying the children who are financially eligible to receive services under the  
96 program; ~~[and]~~

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

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

101 ~~[(6)]~~ (7) The department shall, before December 1 of each year, submit a report to the  
102 Health and Human Services Interim Committee that describes the operation and  
103 accomplishments of the program.