

## **Chapter 539**

**(Senate Bill 754)**

AN ACT concerning

### **State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation**

FOR the purpose of establishing a permanent Hearing Aid Loan Bank Program in the State Department of Education; providing for the staffing of the Program; establishing the purpose of the Program; requiring the Program to establish a Hearing Aid Loan Bank; establishing certain criteria for the maintenance of the Hearing Aid Loan Bank; specifying certain criteria for eligibility under the Program; specifying certain conditions for borrowing a hearing aid under the Program; requiring the State Board of Education to adopt certain regulations; requiring that certain instructions be provided to a parent or legal guardian of an eligible child; requiring the State Superintendent to submit a certain annual report to the Governor and General Assembly; defining certain terms; providing for the effective date of this Act; and generally relating to the Hearing Aid Loan Bank Program for eligible children.

BY adding to

Article – Education

Section 8–601 through 8–606 to be under the new subtitle “Subtitle 6. Hearing Aid Loan Bank Program”

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Education**

#### **SUBTITLE 6. HEARING AID LOAN BANK PROGRAM.**

**8–601.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “ELIGIBLE CHILD” MEANS A CHILD WHO:**

**(1) IS A RESIDENT OF THE STATE;**

(2) IS IDENTIFIED BY AN OTOLARYNGOLOGIST OR A LICENSED AUDIOLOGIST AS HAVING A HEARING LOSS;

(3) HAS NO IMMEDIATE ACCESS TO A HEARING AID; AND

(4) IS UNDER THE AGE OF 3 YEARS.

(C) “LICENSED AUDIOLOGIST” MEANS AN INDIVIDUAL WHO IS LICENSED TO PRACTICE AUDIOLOGY UNDER TITLE 2 OF THE HEALTH OCCUPATIONS ARTICLE.

(D) “LOAN BANK” MEANS THE HEARING AID LOAN BANK.

(E) “OTOLARYNGOLOGIST” MEANS AN INDIVIDUAL WHO:

(1) IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(2) SPECIALIZES IN OTOLARYNGOLOGY.

~~(E)~~ (F) “PROGRAM” MEANS THE HEARING AID LOAN BANK PROGRAM.

#### 8-602.

(A) THERE IS A HEARING AID LOAN BANK PROGRAM IN THE DEPARTMENT.

(B) THE PROGRAM IS ESTABLISHED FOR THE PURPOSE OF LENDING HEARING AIDS ON A TEMPORARY BASIS TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE CHILD TO ENSURE THAT CHILDREN UNDER THE AGE OF 3 YEARS WILL HAVE MAXIMUM AUDITORY INPUT DURING THE CRITICAL PERIOD OF LANGUAGE LEARNING.

(C) THE PROGRAM SHALL EMPLOY AN OTOLARYNGOLOGIST OR A LICENSED AUDIOLOGIST.

#### 8-603.

(A) THERE IS A PERMANENT HEARING AID LOAN BANK IN THE DEPARTMENT.

(B) THE PROGRAM SHALL PROVIDE AND MAINTAIN:

(1) A POOL OF HEARING AIDS IN THE LOAN BANK TO LEND TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE CHILD;

(2) TESTING AND PROGRAMMING EQUIPMENT FOR HEARING AIDS IN THE LOAN BANK; AND

(3) SUPPLIES FOR REPAIR AND RECONDITIONING OF HEARING AIDS IN THE LOAN BANK.

8-604.

(A) THE PROGRAM SHALL LEND A SUITABLE HEARING AID TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE CHILD ON RECEIPT OF:

(1) A PRESCRIPTION FROM AN OTOLARYNGOLOGIST OR A LICENSED AUDIOLOGIST; AND

(2) ANY DOCUMENTS REQUIRED BY THE PROGRAM TO PROVE THAT THE CHILD IS AN ELIGIBLE CHILD.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LOAN PERIOD SHALL BE FOR NOT MORE THAN 6 MONTHS.

(2) THE PROGRAM MAY EXTEND THE ORIGINAL LOAN PERIOD FOR ADDITIONAL 3-MONTH PERIODS IF, PRIOR TO EACH EXTENSION, THE PROGRAM DETERMINES THAT:

(I) THE CHILD DOES NOT HAVE IMMEDIATE ACCESS TO ANOTHER HEARING AID UNDER MEDICAID, THE MARYLAND CHILDREN'S HEALTH PROGRAM, OR PRIVATE HEALTH INSURANCE;

(II) THE CHILD'S PARENT OR LEGAL GUARDIAN CURRENTLY DOES NOT HAVE THE FINANCIAL MEANS TO OBTAIN IMMEDIATE ACCESS TO ANOTHER HEARING AID; AND

(III) THE CHILD'S PARENT OR LEGAL GUARDIAN IS MAKING REASONABLE EFFORTS TO OBTAIN ACCESS TO ANOTHER HEARING AID.

(C) A PARENT OR LEGAL GUARDIAN WHO BORROWS A HEARING AID FOR AN ELIGIBLE CHILD SHALL:

(1) BE THE CUSTODIAN OF THE HEARING AID;

(2) RETURN THE HEARING AID IMMEDIATELY TO THE LOAN BANK ON THE EXPIRATION OF THE LOAN PERIOD OR RECEIPT OF A SUITABLE PERMANENT HEARING AID, WHICHEVER OCCURS FIRST;

(3) BE RESPONSIBLE FOR THE PROPER CARE AND USE OF THE HEARING AID;

(4) BE RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF THE HEARING AID; AND

(5) SIGN A WRITTEN AGREEMENT PROVIDED BY THE STATE SUPERINTENDENT THAT STATES THE TERM AND CONDITIONS OF THE LOAN.

(D) THE PROGRAM SHALL ENSURE THAT THE ELIGIBLE CHILD'S OTOLARYNGOLOGIST OR LICENSED AUDIOLOGIST INSTRUCTS THE PARENT OR LEGAL GUARDIAN ABOUT THE PROPER CARE AND USE OF A HEARING AID PROVIDED UNDER THE PROGRAM.

#### **8-605.**

THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE, INCLUDING REGULATIONS THAT:

(1) FOR THE PURPOSE OF IMPLEMENTING § 8-604(A) OF THIS SUBTITLE, IDENTIFY THE TYPES OF DOCUMENTS THAT THE PROGRAM MAY REQUIRE A PARENT OR LEGAL GUARDIAN TO SUBMIT TO PROVE THAT A CHILD IS AN ELIGIBLE CHILD; AND

(2) FOR THE PURPOSE OF IMPLEMENTING § 8-604(B)(2) OF THIS SUBTITLE, ESTABLISH FACTORS THAT THE PROGRAM SHALL CONSIDER WHEN EVALUATING WHETHER A PARENT OR LEGAL GUARDIAN:

(I) HAS THE FINANCIAL MEANS TO OBTAIN IMMEDIATE ACCESS TO ANOTHER HEARING AID; OR

(II) IS MAKING REASONABLE EFFORTS TO OBTAIN IMMEDIATE ACCESS TO ANOTHER HEARING AID.

#### **8-606.**

(A) BEGINNING IN 2011, NO LATER THAN DECEMBER 31 EACH YEAR, THE STATE SUPERINTENDENT SHALL SUBMIT A REPORT TO THE GOVERNOR

**AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY REGARDING THE IMPLEMENTATION OF THIS SUBTITLE.**

**(B) THE ANNUAL REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:**

**(1) THE NUMBER AND AGES OF CHILDREN WHO RECEIVED HEARING AIDS THROUGH THE PROGRAM THAT YEAR;**

**(2) THE NUMBER OF CHILDREN WHO RECEIVED HEARING AIDS THROUGH THE PROGRAM THAT YEAR AND SUBSEQUENTLY RECEIVED HEARING AIDS THROUGH MEDICAID, THE MARYLAND CHILDREN'S HEALTH PROGRAM, OR PRIVATE INSURANCE;**

**(3) THE LENGTH OF EACH ORIGINAL LOAN;**

**(4) THE NUMBER OF TIMES THAT EACH ORIGINAL LOAN WAS EXTENDED AND THE LENGTH OF EACH EXTENSION;**

**(5) THE NUMBER OF TIMES THAT HEARING AIDS WERE NOT PROPERLY RETURNED TO THE LOAN BANK; AND**

**(6) ANY OTHER INFORMATION THAT THE STATE SUPERINTENDENT BELIEVES IS RELEVANT TO EVALUATING THE COSTS AND BENEFITS OF THE PROGRAM.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 30, 2011.

Approved by the Governor, May 19, 2011.