

CHILDREN'S HEARING AID PROGRAM MODIFICATIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the Children's Hearing Aid Program.

Highlighted Provisions:

This bill:

- ▶ extends the repeal date for the Children's Hearing Aid Program;
- ▶ requires the department to establish a sliding scale based on the income of the child's family to determine the amount of assistance a child can receive under the program; and
- ▶ requires some of the assistance the department gives to be in the form of a loan.

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 2019, Chapters 67, 136, 246, 289, 455 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

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



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

29 **26-10-11. Children's Hearing Aid Program.**

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

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

33 (a) is younger than six years old;

34 (b) is a resident of Utah;

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

36 (i) an audiologist with pediatric expertise; and

37 (ii) a physician or physician assistant;

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

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

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

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

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

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

49 (i) one audiologist with pediatric expertise;

50 (ii) one speech language pathologist;

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

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

54 (v) one parent whose child:

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

56 (B) has hearing loss.

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

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

59 of the committee.

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

61 (f) The committee shall:

62 (i) meet at least quarterly;

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

65 (iii) review rules developed by the department.

66 (g) A member may not receive compensation or benefits for the member's service, but
67 may receive per diem and travel expenses in accordance with Sections 63A-3-106 and
68 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and
69 63A-3-107.

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

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

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

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

75 (ii) gifts, grants, devises, donations, loan repayments, interest on loans, and bequests of
76 real property, personal property, or services, from any source, or any other conveyance that may
77 be made to the account from private sources.

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

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

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

84 (5) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
85 Administrative Rulemaking Act, to establish procedures for:

86 (a) identifying the children who are financially eligible to receive services under the
87 program; and

88 (b) reviewing and paying for services provided to a child under the program[-], subject
89 to the following requirements:

90 (i) the department shall establish a sliding scale based on the income of the child's
 91 family to determine the amount of assistance the program shall provide;

92 (ii) if the income of the child's family is less than or equal to 150% of the federal
 93 poverty level, the department shall provide assistance with no obligation to reimburse the
 94 department;

95 (iii) if the income of the child's family exceeds 150% of the federal poverty level, the
 96 department shall give financial assistance in the form of a loan; and

97 (iv) the department may charge interest, not to exceed market rate, for the loan
 98 described in Subsection (5)(b)(iii).

99 (6) The department shall, before December 1 of each year, submit a report to the
 100 Health and Human Services Interim Committee that describes the operation and
 101 accomplishments of the program.

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

103 **63I-1-226. Repeal dates, Title 26.**

104 (1) Section **26-1-40** is repealed July 1, 2022.

105 (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
 106 1, 2025.

107 (3) Section **26-10-11** is repealed July 1, ~~[2020]~~ 2025.

108 (4) Subsection **26-18-417(3)** is repealed July 1, 2020.

109 (5) Subsection **26-18-418(2)**, the language that states "and the Mental Health Crisis
 110 Line Commission created in Section **63C-18-202**" is repealed July 1, 2023.

111 ~~[(6) Section **26-18-419.1** is repealed December 31, 2019.]~~

112 ~~[(7) (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,~~
 113 ~~2024.~~

114 ~~[(8) (7) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,~~
 115 ~~2024.~~

116 ~~[(9) (8) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is~~
 117 ~~repealed July 1, 2024.~~

118 ~~[(10) (9) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1,~~
 119 ~~2024.~~

120 ~~[(11) (10) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and~~

121 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2023.

122 [~~(12)~~] (11) Subsection [26-61a-108\(2\)\(e\)\(i\)](#), related to the Native American Legislative
123 Liaison Committee, is repealed July 1, 2022.

124 [~~(13)~~] (12) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is
125 repealed July 1, 2026.