

Effective 5/5/2021

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

- (1) The department shall offer a program to provide hearing aids to children who qualify under this section.
- (2) The department shall provide hearing aids to a child who:
 - (a) is younger than six years old;
 - (b) is a resident of Utah;
 - (c) has been diagnosed with hearing loss by:
 - (i) an audiologist with pediatric expertise; and
 - (ii) a physician or physician assistant;
 - (d) provides documentation from an audiologist with pediatric expertise certifying that the child needs hearing aids;
 - (e) has obtained medical clearance by a medical provider for hearing aid fitting;
 - (f) does not qualify to receive a contribution that equals the full cost of a hearing aid from the state's Medicaid program or the Utah Children's Health Insurance Program; and
 - (g) meets the financial need qualification criteria established by the department by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for participation in the program.
- (3)
 - (a) There is established the Children's Hearing Aid Advisory Committee.
 - (b) The committee shall be composed of five members appointed by the executive director, and shall include:
 - (i) one audiologist with pediatric expertise;
 - (ii) one speech language pathologist;
 - (iii) one teacher, certified under Title 53E, Public Education System -- State Administration, as a teacher of the deaf or a listening and spoken language therapist;
 - (iv) one ear, nose, and throat specialist; and
 - (v) one parent whose child:
 - (A) is six years old or older; and
 - (B) has hearing loss.
 - (c) A majority of the members constitutes a quorum.
 - (d) A vote of the majority of the members, with a quorum present, constitutes an action of the committee.
 - (e) The committee shall elect a chair from its members.
 - (f) The committee shall:
 - (i) meet at least quarterly;
 - (ii) recommend to the department medical criteria and procedures for selecting children who may qualify for assistance from the account; and
 - (iii) review rules developed by the department.
 - (g) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with Sections 63A-3-106 and 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and 63A-3-107.
 - (h) The department shall provide staff to the committee.
- (4)
 - (a) There is created within the General Fund a restricted account known as the "Children's Hearing Aid Program Restricted Account."
 - (b) The Children's Hearing Aid Program Restricted Account shall consist of:

- (i) amounts appropriated to the account by the Legislature; and
 - (ii) gifts, grants, devises, donations, and bequests of real property, personal property, or services, from any source, or any other conveyance that may be made to the account from private sources.
 - (c) Upon appropriation, all actual and necessary operating expenses for the committee described in Subsection (3) shall be paid by the account.
 - (d) Upon appropriation, no more than 9% of the account money may be used for the department's expenses.
 - (e) If this account is repealed in accordance with Section 631-1-226, any remaining assets in the account shall be deposited into the General Fund.
- (5)
- (a) For each child who receives a hearing aid under Subsection (2), the department shall maintain a record of the cost of providing services to the child under this section.
 - (b) No more than six months after services are provided to a child under this section, the department shall send a letter to the family of the child who received services that includes information regarding:
 - (i) the total amount paid by the department to provide services to the child under this section; and
 - (ii) the process by which the family may donate all or part of the amount paid to provide services to the child to fund the Children's Hearing Aid Program.
 - (c) All donations made under Subsection (6)(c) shall be deposited into the Children's Hearing Aid Program Restricted Account created in Subsection (4)(a).
- (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures for:
- (a) identifying the children who are financially eligible to receive services under the program;
 - (b) reviewing and paying for services provided to a child under the program; and
 - (c) an individual to donate to the program all or part of the cost of providing services to a child under this section, without regard to whether the donation is made in response to the letter described in Subsection (5)(b).

Amended by Chapter 50, 2021 General Session