

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 555

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Hearing Aid Assistance Program" and substitute "Program for Hearing-Impaired Children - Hearing Aid Loaner Bank".

On page 1, in line 3, strike "Assistance Program" and substitute "Loaner Bank within the Program for Hearing-Impaired Children"; strike beginning with "providing" in line 4 down through the semicolon in line 7; in line 7, strike "administration and"; in line 8, after "Program;" insert "clarifying the administration of the Program; altering the charge of the Advisory Council for the Program;"; in the same line, strike "providing for" and substitute "altering"; strike beginning with "requiring" in line 10 down through "Director;" in line 11; in line 11, strike "a"; in line 12, strike "memorandum" and substitute "memoranda"; strike beginning with "the" in line 12 down through "Education" in line 13 and substitute "certain State units"; in line 15, after "terms;" insert "altering certain definitions; altering the name of a certain program;"; in line 16, strike "creation and"; strike beginning with "Hearing" in line 16 down through "Program" in line 17 and substitute "Program for Hearing-Impaired Children".

On page 1, strike in their entirety lines 18 through 23, inclusive; after line 23, insert:

"BY repealing and reenacting, with amendments,

Article - Health - General

Section 13-601 through 13-604, inclusive

Annotated Code of Maryland

(1994 Replacement Volume and 1999 Supplement)

BY repealing and reenacting, without amendments,

Article - Health - General

Section 13-605

(Over)

Annotated Code of Maryland
(1994 Replacement Volume and 1999 Supplement)

BY adding to

Article - Health - General

Section 13-606 through 13-610, inclusive, to be under the amended subtitle “Subtitle 6. Program for Hearing-Impaired Children”

Annotated Code of Maryland

(1994 Replacement Volume and 1999 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 7, strike in their entirety the lines beginning with line 2 on page 2 through line 34 on page 7, inclusive and substitute:

“Subtitle 6. Program for Hearing-Impaired [Infants] CHILDREN.

13-601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Risk factor” includes any of the following factors that an infant may display and are considered relevant in determining the possibility of a hearing impairment:
- (1) An admission for more than 48 hours to a neonatal intensive care nursery;
 - (2) An anatomical malformation that involves the head or neck, including:
 - (i) A dysmorphic appearance;
 - (ii) A morphologic abnormality of the pinna;
 - (iii) An overt or submucous cleft palate; and
 - (iv) Any syndromal or nonsyndromal abnormality;
 - (3) A severe asphyxia, including:

(i) An infant with an apgar score of 0-3 who fails to institute spontaneous respiration within 10 minutes; or

(ii) An infant with hypotonia that persists during the 1st 2 hours of the infant's life;

(4) A bacterial meningitis, especially H. influenza;

(5) A birth weight of less than 1500 grams;

(6) A congenital perinatal infection, including cytomegalovirus, herpes, rubella, syphilis, and toxoplasmosis;

(7) A family history of a childhood hearing impairment; and

(8) A hyperbilirubinemia at a level that exceeds indications for exchange transfusion.

(c) "Hearing-impaired infant" means an infant who has an impairment that is a dysfunction of the auditory system of any type or degree which is sufficient to interfere with the acquisition and development of speech and language skills with or without the use of sound amplification.

(d) "Infant" means a child who is under the age of 1 year.

(e) "Newborn" means a child up to 29 days old who is born in or receives care in a hospital in the State.

(f) "Program" means the [program] PROGRAM FOR HEARING-IMPAIRED CHILDREN that the Secretary establishes to provide:

(1) [for] FOR the universal hearing screening of newborns; [and]

(2) [early] EARLY identification and follow-up of hearing-impaired infants and infants who have a risk factor of developing a hearing impairment; AND

(3) LOANS OF HEARING AIDS TO PARENTS AND GUARDIANS OF QUALIFIED INDIVIDUALS THROUGH THE LOANER BANK.

(G) "DIRECTOR" MEANS THE DIRECTOR OF THE PROGRAM.

(H) "LOANER BANK" MEANS THE HEARING AID LOANER BANK.

(I) "QUALIFIED INDIVIDUAL" MEANS A RESIDENT OF THE STATE WHO IS:

(1) IDENTIFIED AS HAVING HEARING LOSS OR OTHER IMPAIRMENT;

(2) LESS THAN 4 YEARS OF AGE; AND

(3) OTHERWISE WITHOUT IMMEDIATE ACCESS TO A SUITABLE HEARING AID.

13-602.

(a) The Secretary shall establish [a program] THE PROGRAM FOR HEARING-IMPAIRED CHILDREN for the:

(1) [universal] UNIVERSAL hearing screening of newborns; [and]

(2) [early] EARLY identification and follow-up of infants who have a risk factor for developing a hearing impairment; AND

(3) LOANING OF HEARING AIDS TO PARENTS AND GUARDIANS OF QUALIFIED INDIVIDUALS THROUGH THE LOANER BANK.

(b) The program shall be based on the model system developed by the Department.

13-603.

- (a) There is an Advisory Council for the program.
- (b) (1) The Advisory Council consists of 11 members appointed by the Secretary.
 - (2) Of the 11 members:
 - (i) 1 shall be a physician with expertise in childhood hearing loss;
 - (ii) 3 shall be from the field of education:
 - 1. 1 shall be from the Maryland State Department of Education;
 - 2. 1 shall be from the Maryland School for the Deaf; and
 - 3. 1 shall be an educator of the deaf from a local education agency;
 - (iii) 1 shall be from the Maryland Department of Health and Mental Hygiene;
 - (iv) 1 shall be a mental health professional with expertise in the area of deafness;
 - (v) 2 shall be parents of hearing-impaired children;
 - (vi) 1 shall be from the Maryland Association of the Deaf;
 - (vii) 1 shall be an audiologist with expertise in childhood hearing loss; and
 - (viii) 1 shall be from the Alexander Graham Bell Association of Maryland.
- (c) The Advisory Council shall elect a chairperson from among its members.

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(d) The Advisory Council shall meet at least 6 times a year at the times and places that it determines.

(e) A member of the Advisory Council:

(1) May not receive compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Advisory Council shall:

(1) Advise the Department on the implementation of:

(I) [universal] UNIVERSAL hearing screening of newborns; [and]

(II) [an] AN early identification program and follow-up of hearing-impaired infants and infants who have a risk factor of developing a hearing impairment; AND

(III) THE LOANER BANK;

(2) Provide consultation to the Department in the development of the program;

(3) Make recommendations for operation of the program;

(4) Advise the Department:

(i) In setting standards for the program;

(ii) In monitoring and reviewing the program; and

(iii) In providing quality assurance for the program;

(5) Advise the Department on the development of protocols to assist hospitals in implementing universal hearing screening of newborns;

(6) Provide consultation to the Department in the establishment of an educational program for families, professionals, and the public that can be integrated with existing State and local education agency programs; and

(7) Review any materials the Department may distribute to the public concerning hearing-impaired newborns and infants.

(g) In consultation with the Advisory Council, the Department shall develop guidelines for the operations of the Advisory Council.

13-604.

(a) (1) [The Secretary may contract with any qualified person to administer] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY SHALL APPOINT THE DIRECTOR OF the program.

(2) THE DIRECTOR SHALL BE AN INDIVIDUAL WHO IS LICENSED TO PRACTICE AUDIOLOGY UNDER TITLE 2 OF THE HEALTH OCCUPATIONS ARTICLE.

(b) The Secretary shall:

(1) Develop a system to gather and maintain data;

(2) Develop methods to:

(i) Contact parents or guardians of newborns and their identified primary care providers regarding the results of the newborn hearing screening;

(ii) Contact parents or guardians of hearing-impaired infants and infants who have a risk factor of developing a hearing impairment; and

(iii) Refer the parents or guardians to appropriate services;

(Over)

(3) Establish a telephone hot line to communicate information about hearing impairment and services for hearing-impaired infants;

(4) Appoint an Advisory Council for the program;

(5) Meet annually with the Advisory Council; and

(6) In consultation with the Advisory Council, adopt rules and regulations necessary to implement the program.

13-605.

As part of the supplemental information required to be submitted to the Department as part of the birth event, a hospital shall include the results of the universal hearing screening of the newborn.

13-606.

(A) THE DIRECTOR SHALL IN RELATION TO THE LOANER BANK:

(1) ESTABLISH AND MAINTAIN A POOL OF HEARING AIDS AVAILABLE FOR LOAN IN THE LOANER BANK;

(2) SUBJECT TO THE PROVISIONS OF THIS SECTION, ESTABLISH A LOAN OF A HEARING AID FROM THE LOANER BANK TO A PARENT OR GUARDIAN OF A QUALIFIED INDIVIDUAL FOR NOT MORE THAN 6 MONTHS, TO BE EXTENDED AT THE DISCRETION OF THE DIRECTOR FOR ADDITIONAL 3-MONTH PERIODS;

(3) REQUIRE THE RETURN OF A HEARING AID LOANED FROM THE LOANER BANK IMMEDIATELY ON THE INDIVIDUAL'S RECEIPT OF A SUITABLE PERMANENT HEARING AID; AND

(4) RECONDITION A RETURNED HEARING AID AS NEEDED.

(B) (1) TO QUALIFY FOR A LOAN OF A HEARING AID FROM THE LOANER BANK, A PARENT OR LEGAL GUARDIAN OF A QUALIFIED INDIVIDUAL SHALL PROVIDE EVIDENCE THAT:

(I) THE INDIVIDUAL IN NEED OF THE HEARING AID IS A QUALIFIED INDIVIDUAL; AND

(II) A LICENSED AUDIOLOGIST HAS PRESCRIBED A HEARING AID FOR THE QUALIFIED INDIVIDUAL.

(2) THE DIRECTOR MAY AUTHORIZE A LOAN OF A HEARING AID FROM THE LOANER BANK ONLY IF AN APPLICANT PROVIDES SATISFACTORY EVIDENCE, AS DETERMINED BY THE DIRECTOR, OF THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) IF THE DIRECTOR APPROVES AN APPLICATION, TO OBTAIN A LOAN OF A HEARING AID FROM THE LOANER BANK, THE APPLICANT SHALL AGREE TO THE TERMS OF THE LOAN AGREEMENT, AS DETERMINED BY THE DIRECTOR.

(C) THE PARENT OR LEGAL GUARDIAN WHO OBTAINS A LOAN OF A HEARING AID FROM THE LOANER BANK SHALL BE:

(1) CONSIDERED THE CUSTODIAN OF THE HEARING AID;

(2) RESPONSIBLE FOR THE PROPER CARE, USE, AND HANDLING OF THE HEARING AID; AND

(3) RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF THE HEARING AID UNTIL THE HEARING AID IS RETURNED TO THE DIRECTOR.

(D) THE DIRECTOR SHALL ENSURE THAT THE LICENSED AUDIOLOGIST OF A

(Over)

QUALIFIED INDIVIDUAL INFORMS THE PARENT OR LEGAL GUARDIAN ABOUT THE PROPER CARE, USE, AND HANDLING OF A HEARING AID LOANED FROM THE LOANER BANK.

13-607.

THE DEPARTMENT SHALL ENTER INTO MEMORANDA OF UNDERSTANDING WITH THE MARYLAND STATE DEPARTMENT OF EDUCATION, THE OFFICE OF INDIVIDUALS WITH DISABILITIES, AND OTHER APPROPRIATE STATE UNITS, TO MAXIMIZE COMMUNICATION, COORDINATION, AND EFFICIENCIES AMONG OFFICES AND PROGRAMS THAT INVOLVE THE ASSISTANCE OF INDIVIDUALS WITH HEARING LOSS OR OTHER IMPAIRMENT.

13-608.

THE DIRECTOR MAY EMPLOY STAFF AS PROVIDED FOR IN THE STATE BUDGET.

13-609.

ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE SECRETARY SHALL REPORT TO THE GOVERNOR, AND SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE STATUS OF THE PROGRAM, INCLUDING A SUMMARY OF THE PROGRESS OF EACH COMPONENT OF THE PROGRAM.

13-610.

THE STATE SHALL APPROPRIATE FUNDS TO ESTABLISH AND MAINTAIN THE PROGRAM, AS PROVIDED IN THE STATE BUDGET.”.