

SENATE BILL 281

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2001 Regular Session
(11r1409)

ENROLLED BILL

-- Economic and Environmental Affairs and Budget and Taxation/Environmental Matters --

Introduced by **Senators Hollinger, Astle, Bromwell, Collins, DeGrange, Exum, Kasemeyer, Kelley, and ~~Teitelbaum~~ Teitelbaum, Blount, Conway, Dyson, Frosh, Harris, Jacobs, McCabe, Pinsky, and Stone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 368

1 AN ACT concerning

2 **State Department of Education - Hearing Aid Loan Bank Program -**
3 **Establishment and Operation**

4 FOR the purpose of establishing a Hearing Aid Loan Bank Program in the State
5 Department of Education; providing for the administration and staffing of the
6 Program; establishing the purpose of the Program; ~~requiring the State~~
7 ~~Superintendent of Schools to provide benefits under the Program beginning by a~~
8 ~~certain date~~; requiring the Director of the Program to establish a Hearing Aid
9 Loan Bank; establishing certain criteria for the maintenance of the Hearing Aid
10 Loan Bank; specifying certain criteria for eligibility under the Program;
11 specifying certain conditions for borrowing a hearing aid under the Program;
12 requiring the State Board of Education to adopt certain regulations; requiring
13 that certain instructions be provided to a parent or legal guardian of an eligible
14 child; requiring the Governor to include in the annual budget bill, ~~beginning in~~
15 ~~a certain fiscal year~~, sufficient funds for the Program; requiring the State

1 Superintendent to submit a certain annual report to the Governor and General
2 Assembly; defining certain terms; providing for the termination of this Act; and
3 generally relating to the Hearing Aid Loan Bank Program for eligible children.

4 BY adding to
5 Article - Education
6 Section 8-501 through ~~8-507~~ 8-508, inclusive, to be under the new subtitle
7 "Subtitle 5. Hearing Aid Loan Bank Program"
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2000 Supplement)

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

12 **Article - Education**

13 **SUBTITLE 5. HEARING AID LOAN BANK PROGRAM.**

14 8-501.

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

17 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE HEARING AID LOAN BANK
18 PROGRAM.

19 (C) "ELIGIBLE CHILD" MEANS A CHILD WHO:

20 (1) IS A RESIDENT OF THE STATE;

21 (2) IS IDENTIFIED BY A LICENSED AUDIOLOGIST AS HAVING A HEARING
22 LOSS;

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

24 (4) IS UNDER THE AGE OF 4 3 YEARS.

25 (D) "LICENSED AUDIOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED TO
26 PRACTICE AUDIOLOGY UNDER TITLE 2 OF THE HEALTH OCCUPATIONS ARTICLE.

27 (E) "LOAN BANK" MEANS THE HEARING AID LOAN BANK.

28 (F) "PROGRAM" MEANS THE HEARING AID LOAN BANK PROGRAM.

29 8-502.

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

31 (B) THE PROGRAM IS ESTABLISHED FOR THE PURPOSE OF LENDING HEARING
32 AIDS ON A TEMPORARY BASIS TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE

1 CHILD TO ENSURE THAT CHILDREN UNDER THE AGE OF 4 3 YEARS WILL HAVE
2 MAXIMUM AUDITORY INPUT DURING THE CRITICAL PERIOD OF LANGUAGE
3 LEARNING.

4 ~~(C) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE STATE~~
5 ~~SUPERINTENDENT SHALL PROVIDE BENEFITS UNDER THE PROGRAM BEGINNING~~
6 ~~JULY 1, 2002.~~

7 8-503.

8 (A) THE PROGRAM SHALL BE ADMINISTERED BY A DIRECTOR RECOMMENDED
9 BY THE STATE SUPERINTENDENT AND APPROVED BY THE STATE BOARD.

10 (B) THE DIRECTOR SHALL:

11 (1) BE A LICENSED AUDIOLOGIST; AND

12 (2) SERVE AT THE PLEASURE OF THE STATE SUPERINTENDENT AND
13 THE STATE BOARD.

14 (C) THE DIRECTOR MAY EMPLOY QUALIFIED STAFF AS PROVIDED FOR IN THE
15 STATE BUDGET.

16 8-504.

17 (A) THE DIRECTOR SHALL ESTABLISH A HEARING AID LOAN BANK.

18 (B) THE DIRECTOR SHALL PROVIDE AND MAINTAIN:

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

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

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

25 8-505.

26 (A) ~~UPON RECEIPT OF A PRESCRIPTION FROM A LICENSED AUDIOLOGIST, THE~~
27 DIRECTOR SHALL LEND A SUITABLE HEARING AID TO A PARENT OR LEGAL
28 GUARDIAN OF AN ELIGIBLE CHILD UPON RECEIPT OF:

29 (1) A PRESCRIPTION FROM A LICENSED AUDIOLOGIST; AND

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

1 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
 2 LOAN PERIOD SHALL BE FOR NOT MORE THAN 6 MONTHS BUT MAY BE EXTENDED AT
 3 THE DISCRETION OF THE DIRECTOR FOR ADDITIONAL 3 MONTH PERIODS.

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

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

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

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

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

17 (1) ~~PROVIDE PROOF OF THE NEED FOR BENEFITS UNDER THE~~
 18 ~~PROGRAM;~~

19 (2) (1) BE THE CUSTODIAN OF THE HEARING AID;

20 (3) (2) RETURN THE HEARING AID IMMEDIATELY TO THE LOAN BANK
 21 UPON THE EXPIRATION OF THE LOAN PERIOD OR RECEIPT OF A SUITABLE
 22 PERMANENT HEARING AID, WHICHEVER OCCURS FIRST;

23 (4) (3) BE RESPONSIBLE FOR THE PROPER CARE AND USE OF THE
 24 HEARING AID;

25 (5) (4) BE RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF THE
 26 HEARING AID; AND

27 (6) (5) SIGN A WRITTEN AGREEMENT PROVIDED BY THE STATE
 28 SUPERINTENDENT THAT STATES THE TERM AND CONDITIONS OF THE LOAN.

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

32 8-506.

33 ~~THE GOVERNOR SHALL PROVIDE FUNDING FOR THE PROGRAM IN THE ANNUAL~~
 34 ~~BUDGET OF THE DEPARTMENT BEGINNING IN FISCAL YEAR 2003 IN AN AMOUNT, THE~~
 35 ~~GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION THAT~~
 36 ~~IS SUFFICIENT TO COVER THE ESTIMATED COST OF THE PROGRAM.~~

1 8-507.

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

4 (1) FOR THE PURPOSE OF IMPLEMENTING § 8-505(A) OF THIS SUBTITLE,
5 IDENTIFY THE TYPES OF DOCUMENTS THAT THE DIRECTOR MAY REQUIRE A PARENT
6 OR LEGAL GUARDIAN TO SUBMIT TO PROVE THAT A CHILD IS AN ELIGIBLE CHILD;
7 AND

8 (2) FOR THE PURPOSE OF IMPLEMENTING § 8-505(B)(2) OF THIS
9 SUBTITLE, ESTABLISH FACTORS THAT THE DIRECTOR SHALL CONSIDER WHEN
10 EVALUATING WHETHER A PARENT OR LEGAL GUARDIAN:

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

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

15 8-508.

16 (A) BEGINNING IN 2002, NO LATER THAN DECEMBER 31 OF EACH YEAR, THE
17 STATE SUPERINTENDENT SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR
18 AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
19 ASSEMBLY REGARDING THE IMPLEMENTATION OF THIS SUBTITLE.

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

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

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

27 (3) THE LENGTH OF EACH ORIGINAL LOAN;

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

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 ~~October 1, June 30, 2001. It shall remain effective for a period of 2 years and 9 months~~

1 3 years and 1 day and, at the end of June 30, 2004, with no further action required by
2 the General Assembly, this Act shall be abrogated and of no further force and effect.