

Chapter 741

(House Bill 1384)

AN ACT concerning

Deaf or Hard of Hearing Individuals – Support for Parents

FOR the purpose of renaming the Hearing Aid Loan Bank Program in the State Department of Education to be the Hearing Aid and Language and Communication Video Loan Bank Program; renaming the Hearing Aid Loan Bank in the Department to be the Hearing Aid and Language and Communication Video Loan Bank; altering the purpose of the Program; requiring the Loan Bank to lend and provide certain videos and certain downloadable resources to the parents or legal guardians of certain individuals; requiring the Governor to include a certain appropriation in the annual State budget for the Loan Bank for a certain purpose; extending the loan period for a hearing aid loaned under the Program; extending the amount of time for which the Program may extend the loan period for a hearing aid loan; exempting the parent or legal guardian of a deaf or hard of hearing individual from paying tuition at a public institution of higher education for ~~any~~ a course that teaches a language or communication mode; requiring each hospital, to the extent practicable, to provide a certain list of resources to the parent or legal guardian of a certain newborn before the discharge of the newborn; ~~requiring the Department of Disabilities to provide to hospitals in the State a certain list for a certain purpose~~; altering certain definitions; defining certain terms; making conforming changes; and generally relating to support for hearing parents or legal guardians of deaf or hard of hearing individuals.

BY repealing and reenacting, with amendments,

Article – Education

Section 8–601 through 8–606 to be under the amended subtitle “Subtitle 6. Hearing Aid and Language and Communication Video Loan Bank Program”

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 15–106.10

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–308.5

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article — Human Services
Section 7-710
Annotated Code of Maryland
(2007 Volume and 2018 Supplement)~~

Preamble

WHEREAS, Every parent of a deaf or hard of hearing child identified through Maryland's Early Hearing Detection and Intervention Program, including through universal hearing screening or through other means, should receive information and development support on language or other means of communication without delay; and

WHEREAS, Parents play an important role in all areas of their child's life; and

WHEREAS, Language is a fundamental human right, including for hearing parents of deaf and hard of hearing children; and

WHEREAS, Hearing parents of deaf or hard of hearing children should not be burdened with the cost of learning a language or other means of communication to use with their child; and

WHEREAS, Language deprivation is a public health issue; and

WHEREAS, 90% to 95% of deaf or hard of hearing children are born to hearing parents; and

WHEREAS, Data and research demonstrate that language proficiency fosters emergent literacy, reading, and writing acquisition from birth; and

WHEREAS, Data and research demonstrate that hearing loss impedes a child's receptive and expressive language acquisition in meaningful ways; and

WHEREAS, Data and research demonstrate that a lack of parental communicative interaction suppresses the developmental attachment between parents and children and thus suppresses the child's early childhood development; and

WHEREAS, A program for providing support for language or other means of communication for parents of deaf or hard of hearing children to use with their child should not replace or alter any ongoing Early Hearing Detection and Intervention Program or Early Intervention services, schools, or programs for deaf or hard of hearing children, including the Infant Services Family Plan and the Individualized Education Program; now, therefore,

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 AND LANGUAGE AND COMMUNICATION VIDEO Loan Bank Program.

8–601.

(a) In this subtitle the following words have the meanings indicated.

(b) “Eligible [child] **INDIVIDUAL**” means [a child] **AN INDIVIDUAL** who:

(1) Is a resident of the State;

(2) Is identified by an otolaryngologist or a licensed audiologist as having a hearing loss; **AND**

[(3) Has no immediate access to a hearing aid; and]

[(4) **(3)** **(I)** Is under the age of [18] **21** years; **AND**

(II) HAS NOT GRADUATED FROM HIGH SCHOOL.

(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 **AND LANGUAGE AND COMMUNICATION VIDEO** 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.

(f) “Program” means the Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank Program.

8–602.

(a) There is a Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank Program in the Department.

(b) The Program is established for the purpose of lending [hearing] **OR PROVIDING:**

(1) HEARING aids on a temporary basis to a parent or legal guardian of an eligible [child] INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID to ensure that [children under the age of 18 years] ELIGIBLE INDIVIDUALS will have maximum auditory input throughout childhood [and], adolescence, AND INTO YOUNG ADULTHOOD; AND

(2) LANGUAGE AND COMMUNICATION VIDEOS ON A TEMPORARY BASIS AND RESOURCES THAT MAY BE DOWNLOADED FROM A WEBSITE TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL TO ENSURE THAT PARENTS OR LEGAL GUARDIANS OF ELIGIBLE INDIVIDUALS HAVE:

(I) ACCESS TO RESOURCES THAT PROVIDE THEM WITH UNBIASED INFORMATION ABOUT LANGUAGE AND COMMUNICATION OPTIONS TO USE WITH THEIR DEAF OR HARD OF HEARING CHILD; AND

(II) RESOURCES TO TEACH THEM THE LANGUAGE OR OTHER MEANS OF COMMUNICATION THAT THEY CHOOSE TO USE WITH THEIR DEAF OR HARD OF HEARING CHILD.

(c) The Program shall employ an otolaryngologist or a licensed audiologist.

8-603.

(a) There is a permanent Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** 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] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID;**

(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;
AND

(4) LANGUAGE AND COMMUNICATION VIDEOS TO BE LOANED TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL AND RESOURCES THAT MAY BE DOWNLOADED FROM A WEBSITE THAT PROVIDE:

(I) UNBIASED INFORMATION ABOUT LANGUAGE AND COMMUNICATION OPTIONS TO USE WITH A DEAF OR HARD OF HEARING CHILD; AND

(II) INSTRUCTION ON LEARNING THE LANGUAGE OR COMMUNICATION OPTIONS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(C) (1) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION TO THE PROGRAM OF:

(I) \$5,000 IN FISCAL YEAR 2021; AND

(II) \$300 IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER.

(2) THE APPROPRIATION IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED TO SATISFY THE REQUIREMENT IN SUBSECTION (B)(4) OF THIS SECTION.

8-604.

(a) The Program shall lend a suitable hearing aid to a parent or legal guardian of an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID** 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] **INDIVIDUAL** is an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID**.

(b) (1) Except as provided in paragraph (2) of this subsection, the loan period shall be for not more than [6 months] **1 YEAR**.

(2) The Program may extend the original loan period **FOR THE LOAN OF A HEARING AID** for AN additional [3-month periods] **1-YEAR PERIOD** if, prior to each extension, the Program determines that:

(i) The [child] **INDIVIDUAL** 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] **INDIVIDUAL'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] **INDIVIDUAL'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 **FROM THE LOAN BANK** for an eligible [child] **INDIVIDUAL** 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] IF THE PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL RECEIVES A HEARING AID ON LOAN FROM THE LOAN BANK, THE** Program shall ensure that the eligible [child's] **INDIVIDUAL'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] **AN INDIVIDUAL** is an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A HEARING AID**; 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] **INDIVIDUALS** who received hearing aids through the Program that year;

(2) The number of [children] **INDIVIDUALS** 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 **OF A HEARING AID**;

(4) The number of times that each original loan **OF A HEARING AID** 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.

15–106.10.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DEAF OR HARD OF HEARING CHILD” MEANS A MINOR WHO HAS HEARING LOSS AS DETERMINED THROUGH A UNIVERSAL NEWBORN HEARING SCREENING UNDER § 19–308.5 OF THE HEALTH – GENERAL ARTICLE OR A SIMILAR SCREENING.

~~(2)~~ (3) “LANGUAGE OR COMMUNICATION MODE” MEANS THE METHOD THAT A PARENT OR LEGAL GUARDIAN CHOOSES TO COMMUNICATE WITH THEIR DEAF OR HARD OF HEARING CHILD, INCLUDING:

(I) AMERICAN SIGN LANGUAGE, AS DEFINED IN § 7–702 OF THE HUMAN SERVICES ARTICLE;

(II) CUED SPEECH, WHICH IS A SYSTEM OF HANDSHAPES AND POSITIONS THAT, WHEN COMBINED WITH THE MOUTH MOVEMENTS OF SPEECH, VISUALLY REPRESENT THE PHONEMES OF SPOKEN LANGUAGE; AND

(III) LISTENING AND SPOKEN LANGUAGE, IN WHICH INFANTS AND YOUNG CHILDREN WITH HEARING LOSS ARE TAUGHT TO LISTEN AND TALK WITH SUPPORT FROM HEARING TECHNOLOGY, SUCH AS HEARING AIDS, ASSISTIVE LISTENING DEVICES, OR COCHLEAR IMPLANTS.

~~(3) “DEAF OR HARD OF HEARING CHILD” MEANS A MINOR WHO HAS HEARING LOSS AS DETERMINED THROUGH A UNIVERSAL NEWBORN HEARING SCREENING UNDER § 19-308.5 OF THE HEALTH GENERAL ARTICLE OR A SIMILAR SCREENING.~~

(4) “TUITION” MEANS THE CHARGES IMPOSED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR ENROLLMENT IN A COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE AT THE INSTITUTION, INCLUDING CHARGES FOR REGISTRATION AND ALL FEES FOR ENROLLING IN THE COURSE.

(B) A PARENT OF A DEAF OR HARD OF HEARING CHILD:

(1) MAY TAKE ONE COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE AT AN INSTITUTION OF HIGHER EDUCATION; AND

(2) IS IS EXEMPT FROM PAYING TUITION AT A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR ANY THE COURSE THAT TEACHES A LANGUAGE OR COMMUNICATION MODE.

Article – Health – General

19-308.5.

(a) Each hospital that provides obstetrical services shall establish a universal newborn hearing screening program to ensure that:

(1) (I) All newborns born in the hospital are screened for hearing loss before discharge; and

[(2)] (II) The results are reported as required under § 13-605 of this article; AND

(2) BEFORE DISCHARGE AND TO THE EXTENT PRACTICABLE, THE HOSPITAL PROVIDES TO THE PARENT OR LEGAL GUARDIAN OF A NEWBORN IDENTIFIED AS HAVING A HEARING LOSS UNDER ITEM (1)(I) OF THIS SUBSECTION A LIST OF RESOURCES AVAILABLE FOR PARENTS OF CHILDREN WITH HEARING LOSS, INCLUDING:

(I) LOCATIONS FOR SUBSEQUENT TESTING; AND

(II) ~~UNBIASED RESOURCES~~ RESOURCES ON LANGUAGE AND COMMUNICATION MODE OPTIONS FOR COMMUNICATING WITH THEIR CHILD.

(b) The universal newborn hearing screening program established under this section shall consist of at least one of the following screening tests:

(1) Auditory brain stem response;

(2) Otoacoustic emissions; or

(3) Another appropriate screening test recommended by the Advisory Council and approved by the Secretary.

~~Article Human Services~~

~~7-710.~~

~~THE DEPARTMENT SHALL REGULARLY, BUT NOT LESS THAN ONE TIME EACH YEAR, PROVIDE TO EACH HOSPITAL IN THE STATE FOR USE BY THE HOSPITAL'S UNIVERSAL NEWBORN HEARING SCREENING PROGRAM, A LIST OF:~~

~~(1) LOCATIONS WHERE A NEWBORN IDENTIFIED THROUGH A NEWBORN HEARING SCREENING AS HAVING HEARING LOSS MAY RECEIVE ADDITIONAL TESTING; AND~~

~~(2) UNBIASED RESOURCES ON LANGUAGE AND COMMUNICATION MODE OPTIONS FOR COMMUNICATING WITH THEIR CHILD.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.