

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/16/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

13A 05 12 01—.03

3. Name of Promulgating Authority

Maryland State Department of Education

4. Name of Regulations Coordinator

Charlene L Necessary

Telephone Number

410-767-0467

Mailing Address

200 W. Baltimore Street

City State Zip Code

Baltimore MD 21201

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5. Name of Person to Call About this Document

Carmen Brown

Telephone No.

410-767-7197

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carmen.brown1@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

 Date when existing text was downloaded from COMAR online: .

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Alan Dunklow, Assistant Attorney General, (telephone #410-576-6465) on August 4, 2016. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Karen B. Salmon, Ph.D.

Title

State Superintendent of Schools

Telephone No.

410-767-0467

Date

August 5, 2016

Title 13A
A STATE BOARD OF EDUCATION
Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS
13A.05.12 Hearing Aid Loan Bank

Authority: Education Article, §§2-205 and 8-605, Annotated Code of Maryland

Notice of Proposed Action

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The Maryland State Board of Education proposes to adopt new Regulations .01 through .03 under new Chapter 13A.05.12 Hearing Aid Loan Bank. This action was considered by the State Board of Education at their meeting on July 26, 2016.

Statement of Purpose

The purpose of this action is to lend hearing aids on a temporary basis to a parent or legal guardian of an eligible child (under age 18) to ensure he or she will have maximum auditory input during the critical period of language learning.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The Maryland Hearing Aid Loan Bank requires the employment of a licensed audiologist, annual purchase, repair, and maintenance of hearing aids (Article – Education §8-602).

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$49,375
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. \$24,375 Contractual (annual) plus \$25,000 Hearing Aid purchase, repair, and maintenance (annual) for a total of \$49,375. To implement the HALB, the program shall employ an otolaryngologist or a licensed audiologist, and provide and maintain a pool of hearing aids in the Loan Bank to lend to a parent or legal guardian of an eligible child.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

The Hearing Aid Loan Bank (HALB) provides loaned hearing aids to infants, toddlers, young children and students birth to 18, who are Maryland residents, and who have been identified with hearing loss by a licensed audiologist. Loaned aids are provided to children with hearing loss who have no immediate access to another hearing aid under Medicaid, the Maryland Children's Health Program, or private health insurance; do not have the financial means to obtain immediate access to another hearing aid; and in cases where the guardian is making reasonable efforts to obtain access to another hearing aid. Examples of loaned hearing aids include instances where a child's family awaits insurance coverage, a child is in need of a hearing aid as a trial for fit, or while awaiting a cochlear implant, or when a child has lost or broken their hearing aid and the parent cannot afford the repair.

The proposed action will have the following impact on individuals with disabilities: (1) A foundation for school readiness, educational development, learning, and success is contingent upon being able to access the curriculum; (2) Through early intervention services provided by the HALB, children are supported in developing speech and language skills, which in turn support access and equity in learning, and educational progress and achievement; and (3) The increase in the age of eligibility to age 18 will greatly increase the impact of the HALB, its ability to reach children and families in need, and its ability to provide amplification that offers children the opportunity to have equitable access to learning.

Opportunity for Public Comment

Comments may be sent to Carmen A. Brown, LCSW-C, Branch Chief, Interagency Collaboration, Division of Special Education/Early Intervention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7197 TTY: 410-333-6442, or email to carmen.brown1@maryland.gov, or fax to

410-333-1571. Comments will be accepted through October 16, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on December 5, 2016, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

State General Funds are required for the implementation of the Hearing Aid Loan Bank related to the employment of a licensed audiologist, annual purchase, repair, and maintenance of hearing aids.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations have no effect or requirements for small businesses.

G. Small Business Worksheet:

Attached Document:

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

Chapter 12 Hearing Aid Loan Bank

Authority: Education Article, §§2-205 and 8-605, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to implement Education Article §§8-601— 8-606, Annotated Code of Maryland, which establishes a Hearing Aid Loan Bank within the Department for the purpose of lending hearing aids on a temporary basis to a parent or legal guardian of an eligible child to ensure maximum auditory input for language learning.

.02 Eligibility.

A child is an eligible child if the child meets the eligibility criteria set forth in Education Article §8-601.

.03 Administration.

A. Application. A parent or legal guardian of an eligible child shall submit a request for a loan of hearing aids on a form developed by the Department that includes:

- (1) The child's residential address;*
- (2) A copy of the child's hearing evaluation from a licensed audiologist;*
- (3) A copy of the child's medical clearance for hearing aids from an otolaryngologist;*
- (4) A statement from the parent or legal guardian explaining why the family is experiencing delays in acquiring hearing aids or needs a loan of hearing aids; and*
- (5) The child's date of birth.*

B. Loan Period. Except as provided in §C of this regulation, the Department may approve a loan of hearing aids for a period of not more than 6 months.

C. Loan Extension.

(1) On the request of a parent or legal guardian, the Department may extend a loan of hearing aids for additional 3-month periods.

(2) Prior to each extension period, the Department shall consider the following factors to determine whether to extend the loan:

- (a) Insurance coverage or Medical Assistance eligibility;*
- (b) The circumstances that necessitated the loan of hearing aids;*
- (c) The parent or legal guardian's plan to obtain access to another hearing aid; and*
- (d) The number of previous extensions granted to the child.*

KAREN B. SALMON, Ph.D.
State Superintendent of Schools