

SENATE BILL 555

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2000 Regular Session
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By: **Senators Hollinger, Bromwell, Collins, Dorman, Hughes, and Kasemeyer**

Introduced and read first time: February 4, 2000

Assigned to: Economic and Environmental Affairs

Reassigned: Finance and Economic and Environmental Affairs, February 10, 2000

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2000

CHAPTER _____

1 AN ACT concerning

2 **Hearing Aid Assistance Program Program for Hearing-Impaired Children -**
3 **Hearing Aid Loaner Bank - Establishment and Operation**

4 FOR the purpose of establishing the Hearing Aid Assistance Program Loaner Bank
5 within the Program for Hearing-Impaired Children in the Department of
6 Health and Mental Hygiene; ~~providing that the Program consists of the Hearing~~
7 ~~Aid Loaner Bank and the Hearing Aid Loan Fund; establishing the Hearing Aid~~
8 ~~Loaner Bank in the Department; establishing the Hearing Aid Loan Fund in the~~
9 ~~Department; providing for the administration and staffing of the Program;~~
10 clarifying the administration of the Program; altering the charge of the Advisory
11 Council for the Program; providing for altering the purposes, qualities,
12 operation, and funding of the components of the Program; establishing certain
13 powers and duties of the Director of the Program; requiring the State Treasurer
14 to make a certain annual report to the Director; requiring the Department to
15 enter into a certain memorandum memoranda of understanding with the
16 Maryland State Department of Education certain State units; requiring the
17 Director to make a certain annual report to the Governor and the General
18 Assembly by a certain date in a certain manner; requiring the Department to
19 adopt certain regulations; defining certain terms; altering certain definitions;
20 altering the name of a certain program; and generally relating to the creation
21 and operation of the Hearing Aid Assistance Program Program for
22 Hearing-Impaired Children.

23 ~~BY adding to~~
24 ~~Article Health General~~
25 ~~Section 13-1001 through 13-1007, inclusive, to be under the new subtitle~~

1 ~~"Subtitle 10. Hearing Aid Assistance Program"~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(1994 Replacement Volume and 1999 Supplement)~~

4 BY repealing and reenacting, with amendments,
 5 Article - Health - General
 6 Section 13-601 through 13-604, inclusive
 7 Annotated Code of Maryland
 8 (1994 Replacement Volume and 1999 Supplement)

9 BY repealing and reenacting, without amendments,
 10 Article - Health - General
 11 Section 13-605
 12 Annotated Code of Maryland
 13 (1994 Replacement Volume and 1999 Supplement)

14 BY adding to
 15 Article - Health - General
 16 Section 13-606 through 13-610, inclusive, to be under the amended subtitle
 17 "Subtitle 6. Program for Hearing-Impaired Children"
 18 Annotated Code of Maryland
 19 (1994 Replacement Volume and 1999 Supplement)

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

22 **Article - Health - General**

23 ~~SUBTITLE 10. HEARING AID ASSISTANCE PROGRAM.~~

24 ~~13-1001.~~

25 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
 26 ~~INDICATED.~~

27 ~~(B) "DIRECTOR" MEANS THE DIRECTOR OF THE HEARING AID ASSISTANCE~~
 28 ~~PROGRAM.~~

29 ~~(C) "FUND" MEANS THE HEARING AID LOAN FUND.~~

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

32 ~~(E) "LOANER BANK" MEANS THE HEARING AID LOANER BANK.~~

33 ~~(F) "PROGRAM" MEANS THE HEARING AID ASSISTANCE PROGRAM.~~

1 ~~13-1002.~~

2 (A) ~~THERE IS A HEARING AID ASSISTANCE PROGRAM IN THE DEPARTMENT.~~

3 (B) ~~THE PROGRAM CONSISTS OF:~~

4 (1) ~~THE HEARING AID LOANER BANK; AND~~

5 (2) ~~THE HEARING AID LOAN FUND.~~

6 (C) (1) ~~THE PROGRAM SHALL BE ADMINISTERED BY THE DIRECTOR.~~

7 (2) ~~THE SECRETARY SHALL APPOINT THE DIRECTOR.~~

8 (3) ~~THE DIRECTOR SHALL BE A LICENSED AUDIOLOGIST.~~

9 (4) ~~THE DIRECTOR SERVES AT THE PLEASURE OF THE SECRETARY.~~

10 (D) ~~THE DIRECTOR MAY EMPLOY STAFF AS PROVIDED FOR IN THE STATE~~
11 ~~BUDGET.~~

12 ~~13-1003.~~

13 (A) ~~IN THIS SECTION, "QUALIFIED INDIVIDUAL" MEANS A RESIDENT OF THE~~
14 ~~STATE WHO IS:~~

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

16 (2) ~~LESS THAN 4 YEARS OF AGE; AND~~

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

19 (B) (1) ~~THERE IS A HEARING AID LOANER BANK IN THE DEPARTMENT.~~

20 (2) ~~THE LOANER BANK IS ESTABLISHED FOR THE PURPOSE OF LOANING~~
21 ~~HEARING AIDS TO PARENTS AND LEGAL GUARDIANS OF A QUALIFIED INDIVIDUAL.~~

22 (C) ~~THE DIRECTOR SHALL:~~

23 (1) ~~ESTABLISH AND MAINTAIN A POOL OF HEARING AIDS AVAILABLE~~
24 ~~FOR LOAN;~~

25 (2) ~~PROVIDE A HEARING AID TO A QUALIFIED INDIVIDUAL FOR WHOM A~~
26 ~~LICENSED AUDIOLOGIST HAS PRESCRIBED A HEARING AID;~~

27 (3) ~~ESTABLISH A LOAN FOR A HEARING AID UNDER THIS SECTION FOR~~
28 ~~NOT MORE THAN 6 MONTHS, TO BE EXTENDED AT THE DISCRETION OF THE~~
29 ~~DIRECTOR FOR ADDITIONAL 3 MONTH PERIODS;~~

1 (4) ~~REQUIRE THE RETURN OF A HEARING AID LOANED UNDER THIS~~
2 ~~SECTION IMMEDIATELY ON THE INDIVIDUAL'S RECEIPT OF A SUITABLE PERMANENT~~
3 ~~HEARING AID; AND~~

4 (5) ~~RECONDITION A RETURNED HEARING AID AS NEEDED.~~

5 ~~(D)~~ (1) ~~TO APPLY FOR A LOAN OF A HEARING AID UNDER THIS SECTION, A~~
6 ~~PARENT OR LEGAL GUARDIAN OF A QUALIFIED INDIVIDUAL SHALL PROVIDE~~
7 ~~EVIDENCE THAT:~~

8 (1) ~~THE INDIVIDUAL IN NEED OF THE HEARING AID IS A~~
9 ~~QUALIFIED INDIVIDUAL; AND~~

10 (H) ~~A LICENSED AUDIOLOGIST HAS PRESCRIBED A HEARING AID~~
11 ~~FOR THE QUALIFIED INDIVIDUAL.~~

12 (2) ~~IF THE DIRECTOR APPROVES AN APPLICATION, TO OBTAIN A LOAN~~
13 ~~OF A HEARING AID UNDER THIS SECTION, THE APPLICANT SHALL AGREE TO THE~~
14 ~~TERMS OF THE LOAN AGREEMENT, AS DETERMINED BY THE DIRECTOR.~~

15 ~~(E)~~ ~~THE PARENT OR LEGAL GUARDIAN WHO OBTAINS A LOAN OF A HEARING~~
16 ~~AID UNDER THIS SECTION SHALL BE:~~

17 (1) ~~CONSIDERED THE CUSTODIAN OF THE HEARING AID;~~

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

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

22 ~~(F)~~ ~~THE DIRECTOR SHALL ENSURE THAT THE CHILD'S LICENSED~~
23 ~~AUDIOLOGIST INFORMS THE PARENT OR LEGAL GUARDIAN ABOUT THE PROPER~~
24 ~~CARE, USE, AND HANDLING OF A HEARING AID LOANED UNDER THIS SECTION.~~

25 ~~(G)~~ ~~THE STATE SHALL APPROPRIATE FUNDS THAT ARE SUFFICIENT TO~~
26 ~~ESTABLISH AND MAINTAIN THE LOANER BANK.~~

27 13-1004.

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

30 (2) ~~"DEPENDENT CHILD" MEANS AN INDIVIDUAL WHO IS CLAIMED AS A~~
31 ~~DEPENDENT CHILD ON A QUALIFIED BORROWER'S FEDERAL INCOME TAX RETURN.~~

32 (3) ~~"QUALIFIED BORROWER" MEANS AN INDIVIDUAL WHO:~~

33 (1) ~~IS A PARENT OR LEGAL GUARDIAN OF A RESIDENT OF THE~~
34 ~~STATE WHO:~~

1 ~~(2) THE FUND SHALL BE USED TO PAY ALL EXPENSES AND~~
2 ~~DISBURSEMENTS, INCLUDING EXPENSES FOR ADMINISTRATIVE, LEGAL, ACTUARIAL,~~
3 ~~TECHNICAL ASSISTANCE, AND OTHER SERVICES, AUTHORIZED BY THE DIRECTOR~~
4 ~~FOR:~~

5 ~~(I) ADMINISTERING THE FUND; AND~~

6 ~~(II) FINANCING THE DIRECT LOANS AND THE SUBSIDIES OF LOAN~~
7 ~~INTEREST MADE AGAINST THE FUND TO A QUALIFIED BORROWER.~~

8 ~~(3) THE STATE SHALL APPROPRIATE FUNDS THAT ARE SUFFICIENT TO~~
9 ~~ESTABLISH AND MAINTAIN THE FUND.~~

10 ~~(D) ANNUALLY, THE STATE TREASURER SHALL REPORT TO THE DIRECTOR AS~~
11 ~~TO:~~

12 ~~(1) THE STATUS OF THE MONEY INVESTED UNDER THIS SECTION;~~

13 ~~(2) THE MARKET VALUE OF THE ASSETS IN THE FUND; AND~~

14 ~~(3) THE INTEREST RECEIVED FROM INVESTMENTS DURING THE PERIOD~~
15 ~~COVERED BY THE REPORT.~~

16 ~~(E) THE DIRECTOR, AFTER APPROVING AN APPLICATION, MAY PROVIDE A~~
17 ~~DIRECT LOAN OR A SUBSIDY OF LOAN INTEREST TO A QUALIFIED BORROWER ONLY~~
18 ~~IF THE LOAN OR SUBSIDY WILL BE USED DIRECTLY AND EXCLUSIVELY TO ASSIST~~
19 ~~WITH A PURCHASE OF A HEARING AID AND RELATED AUDIOLOGY SERVICES FOR A~~
20 ~~DEPENDENT CHILD OF THE QUALIFIED BORROWER.~~

21 ~~(F) (1) TO APPLY FOR FINANCIAL ASSISTANCE UNDER THIS SECTION, A~~
22 ~~PARENT OR LEGAL GUARDIAN OF THE DEPENDENT CHILD WHO NEEDS A HEARING~~
23 ~~AID SHALL SUBMIT TO THE DIRECTOR AN APPLICATION ON THE FORM PROVIDED BY~~
24 ~~THE DIRECTOR.~~

25 ~~(2) SUBJECT TO SUBSECTION (H) OF THIS SECTION, TO BE ELIGIBLE FOR~~
26 ~~FINANCIAL ASSISTANCE UNDER THIS SECTION, AN APPLICANT SHALL:~~

27 ~~(I) DEMONSTRATE THAT A DIRECT LOAN OR A SUBSIDY OF LOAN~~
28 ~~INTEREST WILL ASSIST WITH THE PURCHASE OF A HEARING AID AND RELATED~~
29 ~~AUDIOLOGY SERVICES FOR A RESIDENT OF THE STATE WHO HAS BEEN IDENTIFIED~~
30 ~~AS HAVING HEARING LOSS OR OTHER IMPAIRMENT AND WHO IS A DEPENDENT~~
31 ~~CHILD OF THE APPLICANT;~~

32 ~~(II) PROVIDE EVIDENCE THAT A HEARING AID HAS BEEN~~
33 ~~PRESCRIBED FOR THE APPLICANT'S DEPENDENT CHILD BY A LICENSED~~
34 ~~AUDIOLOGIST;~~

35 ~~(III) PROVIDE EVIDENCE REGARDING ALL HEALTH INSURANCE~~
36 ~~COVERAGE OR OTHER HEALTH BENEFITS TO WHICH THE APPLICANT'S DEPENDENT~~
37 ~~CHILD IS ENTITLED;~~

1 (IV) ~~DEMONSTRATE THE APPLICANT'S ABILITY TO REPAY THE~~
2 ~~LOAN; AND~~

3 (V) ~~DEMONSTRATE THE APPLICANT'S CREDITWORTHINESS.~~

4 ~~(G) THE DIRECTOR SHALL REVIEW THE APPLICATIONS FOR DIRECT LOANS OR~~
5 ~~SUBSIDIES OF LOAN INTEREST AND APPROVE OR DENY THE APPLICATIONS BASED~~
6 ~~ON INFORMATION PROVIDED TO OR OBTAINED BY THE DIRECTOR.~~

7 ~~(H) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE~~
8 ~~DIRECTOR MAY ONLY PROVIDE A DIRECT LOAN OR A SUBSIDY OF LOAN INTEREST TO~~
9 ~~THE EXTENT THAT:~~

10 (1) ~~THE TOTAL COST OF PURCHASING A HEARING AID AND RELATED~~
11 ~~AUDIOLOGY SERVICES EXCEED ALL HEALTH INSURANCE COVERAGE OR OTHER~~
12 ~~BENEFITS TO WHICH THE DEPENDENT CHILD IS ENTITLED; AND~~

13 (2) ~~A QUALIFIED BORROWER IS ELIGIBLE FOR FINANCIAL ASSISTANCE~~
14 ~~UNDER THIS SECTION, AS DETERMINED BY THE SLIDING ELIGIBILITY SCALE~~
15 ~~ADOPTED THROUGH REGULATION.~~

16 ~~(I) IF THE DIRECTOR DECIDES TO SUBSIDIZE LOAN INTEREST, THE DIRECTOR~~
17 ~~AND LENDER SHALL JOINTLY DETERMINE THE AMOUNT AND TERMS OF THE~~
18 ~~SUBSIDY.~~

19 ~~(J) IF THE BORROWER VIOLATES ANY PROVISIONS OF A DIRECT LOAN OR~~
20 ~~SUBSIDY AGREEMENT OR CEASES TO MEET THE REQUIREMENTS OF THIS SECTION,~~
21 ~~ON REASONABLE NOTICE TO THE QUALIFIED BORROWER, THE DIRECTOR MAY:~~

22 (1) ~~WITHHOLD FROM THE QUALIFIED BORROWER FURTHER LOAN~~
23 ~~SUBSIDIES UNTIL THE BORROWER COMPLIES WITH THE AGREEMENT OR~~
24 ~~REQUIREMENTS; AND~~

25 (2) ~~EXERCISE ANY OTHER RIGHT OR REMEDY PROVIDED UNDER THE~~
26 ~~SUBSIDY AGREEMENT.~~

27 ~~(K) THE DIRECTOR MAY ESTABLISH AN INTEREST RATE FOR A DIRECT LOAN~~
28 ~~MADE UNDER THIS SECTION SO LONG AS THE INTEREST RATE DOES NOT EXCEED~~
29 ~~THE INTEREST RATE OF A 1-YEAR UNITED STATES TREASURY NOTE AT THE TIME OF~~
30 ~~THE LOAN EXECUTION.~~

31 ~~(L) A DIRECT LOAN MADE BY THE DIRECTOR UNDER THIS SECTION,~~
32 ~~INCLUDING ALL INTEREST ACCRUED, SHALL BE REPAID IN FULL BY THE BORROWER~~
33 ~~OVER A 3-YEAR PERIOD.~~

34 ~~(M) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE~~
35 ~~DIRECTOR MAY EXERCISE ALL RIGHTS AND REMEDIES AVAILABLE UNDER:~~

36 (1) ~~A DIRECT LOAN CONTRACT OR SUBSIDY AGREEMENT EXECUTED~~
37 ~~UNDER THIS SECTION; AND~~

1 (2) ~~ANY OTHER APPLICABLE LAW OR REGULATION.~~

2 ~~13-1005.~~

3 ~~THE DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING~~
 4 ~~WITH THE MARYLAND STATE DEPARTMENT OF EDUCATION TO MAXIMIZE~~
 5 ~~COMMUNICATION AND EFFICIENCIES AMONG OFFICES AND PROGRAMS, INCLUDING~~
 6 ~~THE HEARING AID ASSISTANCE PROGRAM, THAT INVOLVE ASSISTING INDIVIDUALS~~
 7 ~~WITH HEARING LOSS OR OTHER IMPAIRMENT.~~

8 ~~13-1006.~~

9 ~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE~~
 10 ~~PROVISIONS OF THIS SUBTITLE.~~

11 ~~13-1007.~~

12 ~~THE DIRECTOR SHALL REPORT ANNUALLY TO THE GOVERNOR AND, SUBJECT~~
 13 ~~TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, ON~~
 14 ~~OR BEFORE JANUARY 1 OF EACH YEAR ON:~~

15 (1) ~~THE NUMBER AND DURATION OF HEARING AID LOANS THROUGH~~
 16 ~~THE LOANER BANK; AND~~

17 (2) ~~THE NUMBER, AMOUNT, AND USE OF DIRECT LOANS AND SUBSIDIES~~
 18 ~~OF LOAN INTEREST PROVIDED THROUGH THE FUND.~~

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

20 13-601.

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

22 (b) "Risk factor" includes any of the following factors that an infant may
 23 display and are considered relevant in determining the possibility of a hearing
 24 impairment:

25 (1) An admission for more than 48 hours to a neonatal intensive care
 26 nursery;

27 (2) An anatomical malformation that involves the head or neck,
 28 including:

29 (i) A dysmorphic appearance;

30 (ii) A morphologic abnormality of the pinna;

31 (iii) An overt or submucous cleft palate; and

32 (iv) Any syndromal or nonsyndromal abnormality;

- 1 (3) A severe asphyxia, including:
- 2 (i) An infant with an apgar score of 0-3 who fails to institute
3 spontaneous respiration within 10 minutes; or
- 4 (ii) An infant with hypotonia that persists during the 1st 2 hours of
5 the infant's life;
- 6 (4) A bacterial meningitis, especially H. influenza;
- 7 (5) A birth weight of less than 1500 grams;
- 8 (6) A congenital perinatal infection, including cytomegalovirus, herpes,
9 rubella, syphilis, and toxoplasmosis;
- 10 (7) A family history of a childhood hearing impairment; and
- 11 (8) A hyperbilirubinemia at a level that exceeds indications for exchange
12 transfusion.
- 13 (c) "Hearing-impaired infant" means an infant who has an impairment that is
14 a dysfunction of the auditory system of any type or degree which is sufficient to
15 interfere with the acquisition and development of speech and language skills with or
16 without the use of sound amplification.
- 17 (d) "Infant" means a child who is under the age of 1 year.
- 18 (e) "Newborn" means a child up to 29 days old who is born in or receives care
19 in a hospital in the State.
- 20 (f) "Program" means the [program] PROGRAM FOR HEARING-IMPAIRED
21 CHILDREN that the Secretary establishes to provide:
- 22 (1) [for] FOR the universal hearing screening of newborns; [and]
- 23 (2) [early] EARLY identification and follow-up of hearing-impaired
24 infants and infants who have a risk factor of developing a hearing impairment; AND
- 25 (3) LOANS OF HEARING AIDS TO PARENTS AND GUARDIANS OF
26 QUALIFIED INDIVIDUALS THROUGH THE LOANER BANK.
- 27 (G) "DIRECTOR" MEANS THE DIRECTOR OF THE PROGRAM.
- 28 (H) "LOANER BANK" MEANS THE HEARING AID LOANER BANK.
- 29 (I) "QUALIFIED INDIVIDUAL" MEANS A RESIDENT OF THE STATE WHO IS:
- 30 (1) IDENTIFIED AS HAVING HEARING LOSS OR OTHER IMPAIRMENT;
- 31 (2) LESS THAN 4 YEARS OF AGE; AND

- 1 (3) OTHERWISE WITHOUT IMMEDIATE ACCESS TO A SUITABLE HEARING
 2 AID.
- 3 13-602.
- 4 (a) The Secretary shall establish [a program] THE PROGRAM FOR
 5 HEARING-IMPAIRED CHILDREN for the:
- 6 (1) [universal] UNIVERSAL hearing screening of newborns; [and]
- 7 (2) [early] EARLY identification and follow-up of infants who have a
 8 risk factor for developing a hearing impairment; AND
- 9 (3) LOANING OF HEARING AIDS TO PARENTS AND GUARDIANS OF
 10 QUALIFIED INDIVIDUALS THROUGH THE LOANER BANK.
- 11 (b) The program shall be based on the model system developed by the
 12 Department.
- 13 13-603.
- 14 (a) There is an Advisory Council for the program.
- 15 (b) (1) The Advisory Council consists of 11 members appointed by the
 16 Secretary.
- 17 (2) Of the 11 members:
- 18 (i) 1 shall be a physician with expertise in childhood hearing loss;
- 19 (ii) 3 shall be from the field of education:
- 20 1. 1 shall be from the Maryland State Department of
 21 Education;
- 22 2. 1 shall be from the Maryland School for the Deaf; and
- 23 3. 1 shall be an educator of the deaf from a local education
 24 agency;
- 25 (iii) 1 shall be from the Maryland Department of Health and Mental
 26 Hygiene;
- 27 (iv) 1 shall be a mental health professional with expertise in the
 28 area of deafness;
- 29 (v) 2 shall be parents of hearing-impaired children;
- 30 (vi) 1 shall be from the Maryland Association of the Deaf;

- 1 (vii) I shall be an audiologist with expertise in childhood hearing
2 loss; and
- 3 (viii) I shall be from the Alexander Graham Bell Association of
4 Maryland.
- 5 (c) The Advisory Council shall elect a chairperson from among its members.
- 6 (d) The Advisory Council shall meet at least 6 times a year at the times and
7 places that it determines.
- 8 (e) A member of the Advisory Council:
- 9 (1) May not receive compensation; but
- 10 (2) Is entitled to reimbursement for expenses under the Standard State
11 Travel Regulations, as provided in the State budget.
- 12 (f) The Advisory Council shall:
- 13 (1) Advise the Department on the implementation of:
- 14 (I) [universal] UNIVERSAL hearing screening of newborns; [and]
- 15 (II) [an] AN early identification program and follow-up of
16 hearing-impaired infants and infants who have a risk factor of developing a hearing
17 impairment; AND
- 18 (III) THE LOANER BANK;
- 19 (2) Provide consultation to the Department in the development of the
20 program;
- 21 (3) Make recommendations for operation of the program;
- 22 (4) Advise the Department:
- 23 (i) In setting standards for the program;
- 24 (ii) In monitoring and reviewing the program; and
- 25 (iii) In providing quality assurance for the program;
- 26 (5) Advise the Department on the development of protocols to assist
27 hospitals in implementing universal hearing screening of newborns;
- 28 (6) Provide consultation to the Department in the establishment of an
29 educational program for families, professionals, and the public that can be integrated
30 with existing State and local education agency programs; and

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

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

5 13-604.

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

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

11 (b) The Secretary shall:

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

13 (2) Develop methods to:

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

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

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

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

21 (4) Appoint an Advisory Council for the program;

22 (5) Meet annually with the Advisory Council; and

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

25 13-605.

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

29 13-606.

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

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

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

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

8 (4) RECONDITION A RETURNED HEARING AID AS NEEDED.

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

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

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

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

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

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

25 (1) CONSIDERED THE CUSTODIAN OF THE HEARING AID;

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

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

30 (D) THE DIRECTOR SHALL ENSURE THAT THE LICENSED AUDIOLOGIST OF A
31 QUALIFIED INDIVIDUAL INFORMS THE PARENT OR LEGAL GUARDIAN ABOUT THE
32 PROPER CARE, USE, AND HANDLING OF A HEARING AID LOANED FROM THE LOANER
33 BANK.

34 13-607.

35 THE DEPARTMENT SHALL ENTER INTO MEMORANDA OF UNDERSTANDING
36 WITH THE MARYLAND STATE DEPARTMENT OF EDUCATION, THE OFFICE OF

1 INDIVIDUALS WITH DISABILITIES, AND OTHER APPROPRIATE STATE UNITS, TO
2 MAXIMIZE COMMUNICATION, COORDINATION, AND EFFICIENCIES AMONG OFFICES
3 AND PROGRAMS THAT INVOLVE THE ASSISTANCE OF INDIVIDUALS WITH HEARING
4 LOSS OR OTHER IMPAIRMENT.

5 13-608.

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

7 13-609.

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

12 13-610.

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2000.