

SENATE BILL 281

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2001 Regular Session
11r1409
CF 11r1246

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

Introduced and read first time: January 26, 2001
Assigned to: Economic and Environmental Affairs and Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 26, 2001

CHAPTER _____

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

19 BY adding to
20 Article - Education
21 Section 8-501 through ~~8-507~~ 8-508, inclusive, to be under the new subtitle
22 "Subtitle 5. Hearing Aid Loan Bank Program"
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2000 Supplement)

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

3 **Article - Education**

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

5 8-501.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE HEARING AID LOAN BANK
9 PROGRAM.

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

11 (1) IS A RESIDENT OF THE STATE;

12 (2) IS IDENTIFIED BY A LICENSED AUDIOLOGIST AS HAVING A HEARING
13 LOSS;

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

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

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

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

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

20 8-502.

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

22 (B) THE PROGRAM IS ESTABLISHED FOR THE PURPOSE OF LENDING HEARING
23 AIDS ON A TEMPORARY BASIS TO A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE
24 CHILD TO ENSURE THAT CHILDREN UNDER THE AGE OF 4 3 YEARS WILL HAVE
25 MAXIMUM AUDITORY INPUT DURING THE CRITICAL PERIOD OF LANGUAGE
26 LEARNING.

27 (C) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE STATE
28 SUPERINTENDENT SHALL PROVIDE BENEFITS UNDER THE PROGRAM BEGINNING
29 JULY 1, 2002.

30 8-503.

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

1 (B) THE DIRECTOR SHALL:

2 (1) BE A LICENSED AUDIOLOGIST; AND

3 (2) SERVE AT THE PLEASURE OF THE STATE SUPERINTENDENT AND
4 THE STATE BOARD.

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

7 8-504.

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

9 (B) THE DIRECTOR SHALL PROVIDE AND MAINTAIN:

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

12 (2) TESTING AND PROGRAMMING EQUIPMENT FOR HEARING AIDS IN
13 THE LOAN BANK; AND

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

16 8-505.

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

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

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

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

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

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

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

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

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

5 (1) ~~PROVIDE PROOF OF THE NEED FOR BENEFITS UNDER THE~~
 6 ~~PROGRAM;~~

7 (2) (1) BE THE CUSTODIAN OF THE HEARING AID;

8 (3) (2) RETURN THE HEARING AID IMMEDIATELY TO THE LOAN BANK
 9 UPON THE EXPIRATION OF THE LOAN PERIOD OR RECEIPT OF A SUITABLE
 10 PERMANENT HEARING AID, WHICHEVER OCCURS FIRST;

11 (4) (3) BE RESPONSIBLE FOR THE PROPER CARE AND USE OF THE
 12 HEARING AID;

13 (5) (4) BE RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF THE
 14 HEARING AID; AND

15 (6) (5) SIGN A WRITTEN AGREEMENT PROVIDED BY THE STATE
 16 SUPERINTENDENT THAT STATES THE TERM AND CONDITIONS OF THE LOAN.

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

20 8-506.

21 ~~THE GOVERNOR SHALL PROVIDE FUNDING FOR THE PROGRAM IN THE ANNUAL~~
 22 ~~BUDGET OF THE DEPARTMENT BEGINNING IN FISCAL YEAR 2003 IN AN AMOUNT. THE~~
 23 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION THAT
 24 IS SUFFICIENT TO COVER THE ESTIMATED COST OF THE PROGRAM.

25 8-507.

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

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

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

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

1 (II) IS MAKING REASONABLE EFFORTS TO OBTAIN IMMEDIATE
2 ACCESS TO ANOTHER HEARING AID.

3 8-508.

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

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

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

11 (2) THE NUMBER OF CHILDREN WHO RECEIVED HEARING AIDS
12 THROUGH THE LOAN PROGRAM THAT YEAR AND SUBSEQUENTLY RECEIVED
13 HEARING AIDS THROUGH MEDICAID, THE MARYLAND CHILDREN'S HEALTH
14 PROGRAM, OR PRIVATE INSURANCE;

15 (3) THE LENGTH OF EACH ORIGINAL LOAN;

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

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

20 (6) ANY OTHER INFORMATION THAT THE STATE SUPERINTENDENT
21 BELIEVES IS RELEVANT TO EVALUATING THE COSTS AND BENEFITS OF THE
22 PROGRAM.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2001. It shall remain effective for a period of 2 years and 9 months and, at
25 the end of June 30, 2004, with no further action required by the General Assembly,
26 this Act shall be abrogated and of no further force and effect.