

# HOUSE BILL 1384

J1, F1, F2

9lr3286  
CF SB 677

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By: **Delegates Bhandari, Arikan, Charles, Crosby, W. Fisher, Fraser-Hidalgo, Guyton, Ivey, Kerr, R. Lewis, Metzgar, Stein, Turner, Washington, and Wilkins**

Introduced and read first time: February 22, 2019

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 19, 2019

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Deaf or Hard of Hearing Individuals – Support for Parents**

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

21 BY repealing and reenacting, with amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Education  
 2 Section 8–601 through 8–606 to be under the amended subtitle “Subtitle 6. Hearing  
 3 Aid and Language and Communication Video Loan Bank Program”  
 4 Annotated Code of Maryland  
 5 (2018 Replacement Volume and 2018 Supplement)

6 BY adding to  
 7 Article – Education  
 8 Section 15–106.10  
 9 Annotated Code of Maryland  
 10 (2018 Replacement Volume and 2018 Supplement)

11 BY repealing and reenacting, with amendments,  
 12 Article – Health – General  
 13 Section 19–308.5  
 14 Annotated Code of Maryland  
 15 (2015 Replacement Volume and 2018 Supplement)

16 ~~BY adding to~~  
 17 ~~Article – Human Services~~  
 18 ~~Section 7–710~~  
 19 ~~Annotated Code of Maryland~~  
 20 ~~(2007 Volume and 2018 Supplement)~~

21 Preamble

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

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

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

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

32 WHEREAS, Language deprivation is a public health issue; and

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

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

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

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

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

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

14 **Article – Education**

15 Subtitle 6. Hearing Aid **AND LANGUAGE AND COMMUNICATION VIDEO** Loan Bank  
16 Program.

17 8–601.

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

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

20 (1) Is a resident of the State;

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

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

24 [(4) (3) (I) Is under the age of [18] **21** years; **AND**

25 (II) **HAS NOT GRADUATED FROM HIGH SCHOOL.**

26 (c) “Licensed audiologist” means an individual who is licensed to practice  
27 audiology under Title 2 of the Health Occupations Article.

28 (d) “Loan Bank” means the Hearing Aid **AND LANGUAGE AND**  
29 **COMMUNICATION VIDEO** Loan Bank.

1 (e) "Otolaryngologist" means an individual who:

2 (1) Is licensed to practice medicine under Title 14 of the Health  
3 Occupations Article; and

4 (2) Specializes in otolaryngology.

5 (f) "Program" means the Hearing Aid **AND LANGUAGE AND COMMUNICATION**  
6 **VIDEO** Loan Bank Program.

7 8-602.

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

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

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

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

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

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

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

28 8-603.

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

31 (b) The Program shall provide and maintain:

1 (1) A pool of hearing aids in the Loan Bank to lend to a parent or legal  
2 guardian of an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A**  
3 **HEARING AID;**

4 (2) Testing and programming equipment for hearing aids in the Loan  
5 Bank; [and]

6 (3) Supplies for repair and reconditioning of hearing aids in the Loan Bank;  
7 **AND**

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

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

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

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

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

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

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

23 8-604.

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

27 (1) A prescription from an otolaryngologist or a licensed audiologist; and

28 (2) Any documents required by the Program to prove that the [child]  
29 **INDIVIDUAL** is an eligible [child] **INDIVIDUAL WHO HAS NO IMMEDIATE ACCESS TO A**  
30 **HEARING AID.**

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

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

6 (i) The [child] **INDIVIDUAL** does not have immediate access to  
7 another hearing aid under Medicaid, the Maryland Children's Health Program, or private  
8 health insurance;

9 (ii) The [child's] **INDIVIDUAL'S** parent or legal guardian currently  
10 does not have the financial means to obtain immediate access to another hearing aid; and

11 (iii) The [child's] **INDIVIDUAL'S** parent or legal guardian is making  
12 reasonable efforts to obtain access to another hearing aid.

13 (c) A parent or legal guardian who borrows a hearing aid **FROM THE LOAN**  
14 **BANK** for an eligible [child] **INDIVIDUAL** shall:

15 (1) Be the custodian of the hearing aid;

16 (2) Return the hearing aid immediately to the Loan Bank on the expiration  
17 of the loan period or receipt of a suitable permanent hearing aid, whichever occurs first;

18 (3) Be responsible for the proper care and use of the hearing aid;

19 (4) Be responsible for any damage to or loss of the hearing aid; and

20 (5) Sign a written agreement provided by the State Superintendent that  
21 states the term and conditions of the loan.

22 (d) **[The] IF THE PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE INDIVIDUAL**  
23 **RECEIVES A HEARING AID ON LOAN FROM THE LOAN BANK, THE** Program shall ensure  
24 that the eligible [child's] **INDIVIDUAL'S** otolaryngologist or licensed audiologist instructs  
25 the parent or legal guardian about the proper care and use of a hearing aid provided under  
26 the Program.

27 8-605.

28 The State Board shall adopt regulations to implement the provisions of this subtitle,  
29 including regulations that:

30 (1) For the purpose of implementing § 8-604(a) of this subtitle, identify the  
31 types of documents that the Program may require a parent or legal guardian to submit to

1 prove that [a child] AN INDIVIDUAL is an eligible [child] INDIVIDUAL WHO HAS NO  
2 IMMEDIATE ACCESS TO A HEARING AID; and

3 (2) For the purpose of implementing § 8–604(b)(2) of this subtitle, establish  
4 factors that the Program shall consider when evaluating whether a parent or legal  
5 guardian:

6 (i) Has the financial means to obtain immediate access to another  
7 hearing aid; or

8 (ii) Is making reasonable efforts to obtain immediate access to  
9 another hearing aid.

10 8–606.

11 (a) Beginning in 2011, no later than December 31 each year, the State  
12 Superintendent shall submit a report to the Governor and, subject to § 2–1246 of the State  
13 Government Article, the General Assembly regarding the implementation of this subtitle.

14 (b) The annual report shall include the following information:

15 (1) The number and ages of [children] INDIVIDUALS who received hearing  
16 aids through the Program that year;

17 (2) The number of [children] INDIVIDUALS who received hearing aids  
18 through the Program that year and subsequently received hearing aids through Medicaid,  
19 the Maryland Children’s Health Program, or private insurance;

20 (3) The length of each original loan OF A HEARING AID;

21 (4) The number of times that each original loan OF A HEARING AID was  
22 extended and the length of each extension;

23 (5) The number of times that hearing aids were not properly returned to  
24 the Loan Bank; and

25 (6) Any other information that the State Superintendent believes is  
26 relevant to evaluating the costs and benefits of the Program.

27 **15–106.10.**

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

30 (2) “DEAF OR HARD OF HEARING CHILD” MEANS A MINOR WHO HAS  
31 HEARING LOSS AS DETERMINED THROUGH A UNIVERSAL NEWBORN HEARING

1 SCREENING UNDER § 19-308.5 OF THE HEALTH – GENERAL ARTICLE OR A SIMILAR  
 2 SCREENING.

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

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

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

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

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

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

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

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

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

30 Article – Health – General

31 19-308.5.

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

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

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

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

10 (I) **LOCATIONS FOR SUBSEQUENT TESTING; AND**

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

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

15 (1) Auditory brain stem response;

16 (2) Otoacoustic emissions; or

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

19 ~~Article Human Services~~

20 ~~7-710.~~

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

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

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

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