



SPONSOR: Rep. Keeley
Rep. Maier

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 262
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATED TO THE ESTABLISHMENT OF A HEARING AID LOAN BANK.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code to create a new Chapter 26A to read as follows:

"Chapter 26A - Hearing Aid Loan Bank Program.

§2626. The short title of this Act shall be known and may be cited as the 'Hearing Aid Loan Bank Program.'

§2627. Definitions.

The following definitions shall be applicable to this Chapter:

(a) "Eligible child" means a child who:

(1) is a resident of the State;

(2) is identified by a licensed audiologist as having a hearing impairment;

(3) has no immediate access to a hearing aid; and

(4) is under the age of three (3) years.

(b) "Director" means the Director of the Division of Public Health, Department of Health and Social Services.

(c) "Division" means the Division of Public Health, Department of Health and Social Services.

(d) "Licensed audiologist" means an individual who is licensed to practice audiology under Chapter 37 of Title 24 of this Code.

(e) "Loan bank" means the hearing aid loan bank.

(f) "Program" means the Hearing Aid Loan Bank Program.

(g) "Program manager" means the program manager of the Hearing Aid Loan Bank Program.

§2628. Hearing Aid Loan Bank Program.

(a) A Hearing Aid Loan Bank Program is established in the Division.

(b) The program is established for the purpose of lending hearing aids on a temporary basis to a parent or legal guardian of an eligible child to ensure that children under the age of three (3) years will have maximum auditory input during the critical period of language learning.

§2629. Administration.

(a) The program shall be administered by a program manager hired under the merit system.

(b) The Newborn Hearing Screening Program manager shall be the Hearing Aid Loan Bank Program manager, who shall be responsible for the Hearing Aid Loan Program.

(c) The Program Manager must contract with licensed audiologists for the implementation and administration of the Hearing Aid Loan Bank sites.

(d) The program manager 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;

(2) testing and programming equipment or contracts for testing and programming for hearing aids in the loan bank; and

(3) supplies for repair and reconditioning or contracts for supplies and services for repair and reconditioning of hearing aids in the loan bank.

§2630. Hearing Aids: Procedures, Loans.

(a) The program manager shall lend a suitable hearing aid to a parent or legal guardian of an eligible child upon receipt of:

(1) a prescription from a licensed audiologist; and

(2) any documents required by the program manager to prove that the child is an eligible child.

(b) The loan period shall be for not more than six (6) months except that the program manager may extend the original loan period for additional three (3)-month periods if, prior to each extension, the program manager determines that:

(1) the child does not have immediate access to another hearing aid under Medicaid, the State children's health program, or private health insurance;

(2) the child's parent or legal guardian currently does not have the financial means to obtain immediate access to another hearing aid; and

(3) the child'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 for an eligible child shall:

(1) be the custodian of the hearing aid;

(2) return the hearing aid immediately to the loan bank upon 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 program manager that states the term and conditions of the loan.

(d) The program manager shall ensure that the eligible child's licensed audiologist instructs the parent or legal guardian about the proper care and use of a hearing aid provided under the program.

§2631. Regulations.

The Division of Public Health shall adopt regulations to implement the provisions of this Act, including regulations that:

(1) For the purpose of implementing Section 5(a) of this Act, identify the types of documents that the program manager may require a parent or legal guardian to submit to prove that a child is an eligible child; and

(2) For the purpose of implementing Section 5(b) of this Act, establish factors that the program manager 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.

§2632. Reports.

(a) Beginning in the year 2004, no later than January 15 of each year, the Director of Public Health shall submit an annual report to the Governor and the General Assembly regarding the implementation of this Act.

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

(1) the number and ages of children who received hearing aids through the loan program that year;

(2) the number of children who received hearing aids through the loan program that year and subsequently received hearing aids through Medicaid, the State's Children's Health Program, or private insurance;

(3) the length of each original loan;

(4) the number of times that each original loan 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 Director believes is relevant to evaluating the costs and benefits of the program."

Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Section 3. The provisions of this Act shall sunset and cease to be effective three years after the program is established, funded, and operating, unless reauthorized. In determining this date, the program shall be deemed "operating" on the date it loans the first hearing aid from the Hearing Aid Loan Bank.