



SPONSOR: Rep. Keeley
Rep. Maier

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 262

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:

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

2 "Chapter 26A - Hearing Aid Loan Bank Program.

3 §2626. The short title of this Act shall be known and may be cited as the 'Hearing Aid Loan Bank
4 Program.'

5 §2627. Definitions.

6 The following definitions shall be applicable to this Chapter:

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

8 (1) is a resident of the State;

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

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

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

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

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

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

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

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

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

20 §2628. Hearing Aid Loan Bank Program.

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

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

25 §2629. Administration.

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

27 (b) The program manager shall be a licensed audiologist; and report to the Director of the Division of
28 Public Health, Department of Health and Social Services.

29 (c) The program manager may employ qualified staff as necessary for implementation and
30 administration of the program, not to exceed one staff member, unless otherwise authorized through the
31 budgeting process of the Department of Health and Social Services.

32 (d) The program manager shall provide and maintain:

33 (1) a pool of hearing aids in the loan bank to lend to a parent or legal guardian of an eligible
34 child;

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

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

37 §2630. Hearing Aids: Procedures, Loans.

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

40 (1) a prescription from a licensed audiologist; and

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

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

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

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

49 (3) the child's parent or legal guardian is making reasonable efforts to obtain access to another
50 hearing aid.

51 (c) A parent or legal guardian who borrows a hearing aid for an eligible child shall:

52 (1) be the custodian of the hearing aid;

53 (2) return the hearing aid immediately to the loan bank upon the expiration of the loan period
54 or receipt of a suitable permanent hearing aid, whichever occurs first;

55 (3) be responsible for the proper care and use of the hearing aid;

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

57 (5) sign a written agreement provided by the program manager that states the term and
58 conditions of the loan.

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

61 §2631. Regulations.

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

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

66 (2) For the purpose of implementing Section 5(b) of this Act, establish factors that the program manager
67 shall consider when evaluating whether a parent or legal guardian:

68 (i) has the financial means to obtain immediate access to another hearing aid; or

69 (ii) is making reasonable efforts to obtain immediate access to another hearing aid.

70 §2632. Reports.

71 (a) Beginning in the year 2004, no later than December 31 of each year, the Director of Public Health
72 shall submit an annual report to the Governor and the General Assembly regarding the implementation of this
73 Act.

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

- 75 (1) the number and ages of children who received hearing aids through the loan program that
76 year;
- 77 (2) the number of children who received hearing aids through the loan program that year and
78 subsequently received hearing aids through Medicaid, the State's Children's Health Program, or private
79 insurance;
- 80 (3) the length of each original loan;
- 81 (4) the number of times that each original loan was extended and the length of each extension;
- 82 (5) the number of times that hearing aids were not properly returned to the loan bank; and
- 83 (6) any other information that the Director believes is relevant to evaluating the costs and
84 benefits of the program."

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

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

SYNOPSIS

This bill creates a Hearing Aid Loan Bank Program within the Division of Public Health. The Hearing Aid Loan Bank would benefit children under the age of 3 who do not otherwise qualify for public assistance, but are unable to afford a hearing aid during the language learning phase of the child's life. Loans would initially be for 6 months with possible 3 month extensions granted by the Program Manager. Parents or guardians of the recipient children would be responsible for the safekeeping of the hearing aid. Federal grant money available to the Department of Health and Social Services ensures that most, if not all, of the components necessary for the program are already in place.