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State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D. *KBS*
DATE: December 5, 2016
SUBJECT: COMAR 13A.05.12.01-.03
Hearing Aid Loan Bank (HALB)
ADOPTION

PURPOSE:

The purpose of this action is to request that the State Board adopt new regulations to govern the administration of the *Hearing Aid Loan Bank (HALB)* (ATTACHMENT I).

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the AELR Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

In 2011, the General Assembly established a permanent Hearing Aid Loan Bank (HALB) in the Maryland State Department of Education (MSDE). The purpose of the HALB was to lend hearing aids on a temporary basis to a parent or legal guardian of an eligible child (under age 3) to ensure he or she would have maximum auditory input during the critical period of language learning. In April 2016, Governor Larry Hogan signed into law House Bill 596, which expands eligibility for the HALB to Maryland children from birth to age 18. The State Board is authorized to adopt implementing regulations, including regulations that: 1) identify the types of documents that may be required to prove eligibility; and 2) establish factors to consider when evaluating whether a parent or legal guardian has the financial means to obtain immediate access to another hearing aid or is making reasonable efforts to obtain another hearing aid.

On July 26, 2016, the State Board approved the proposed regulation for publication. It was published in the Maryland Register on September 16, 2016, for public comment. During the 30-day public comment period, the Department received no comments.

EXECUTIVE SUMMARY:

The purpose of this new chapter of regulations is to implement Education Article §§ 8-601– 8-606, Annotated Code of Maryland, which established the HALB. To prove eligibility, a parent or legal guardian would be required to submit a request on a form developed by the MSDE that includes: 1) the child's residential address; 2) a copy of a hearing evaluation from a licensed audiologist; 3) a copy of a medical clearance from an otolaryngologist; 4) a statement from the family explaining why it is experiencing delays in acquiring hearing aids or otherwise needs a loan; and 5) the child's date of birth. In evaluating a request for an extension of the loan period, the MSDE would consider the following factors: 1) insurance coverage or Medical Assistance eligibility; 2) the circumstances that necessitated the loan; 3) the family's plan to obtain access to another hearing aid; and 4) the number of previous extensions granted to the child.

ACTION:

Request that the State Board adopt new regulations .01-.03 under COMAR 13A.05.12 *Hearing Aid Loan Bank*.