

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1239

H.P. 881

House of Representatives, March 8, 2007

**Resolve, To Establish a Working Group To Study the Effectiveness  
and Timeliness of Early Identification and Intervention for Children  
with Hearing Loss in Maine**

(EMERGENCY)

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Reference to the Committee on Health and Human Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FARRINGTON of Gorham.  
Cosponsored by Senator TURNER of Cumberland and  
Representative: BARSTOW of Gorham.

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** this resolve establishes a working group to study the effectiveness and  
4 timeliness of early identification and intervention for children with hearing loss; and

5       **Whereas,** this resolve requires that the working group submit a report and  
6 recommended legislation by December 7, 2007, and the work needs to begin as soon as  
7 possible; and

8       **Whereas,** the study must be initiated before the 90-day period expires in order that  
9 the study may be completed and a report submitted in time for submission to the next  
10 legislative session; and

11       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
12 the meaning of the Constitution of Maine and require the following legislation as  
13 immediately necessary for the preservation of the public peace, health and safety; now,  
14 therefore, be it

15       **Sec. 1. Working group established. Resolved:** That the Working Group To  
16 Study the Effectiveness and Timeliness of Early Identification and Intervention for  
17 Children with Hearing Loss in Maine, referred to in this resolve as "the working group,"  
18 is established; and be it further

19       **Sec. 2. Working group membership. Resolved:** That the working group  
20 consists of 18 members appointed as follows:

21       1. The following members appointed by the President of the Senate:

22       A. Two members of the Senate. When making the appointments, the President of  
23 the Senate shall give preference to members from the Joint Standing Committee on  
24 Education and Cultural Affairs and to members from the Joint Standing Committee  
25 on Health and Human Services;

26       B. One member from the Maine Newborn Hearing Program within the Department  
27 of Health and Human Services, Bureau of Health or Department of Health and  
28 Human Services;

29       C. One member from the Maine chapter of the American Academy of Pediatricians;

30       D. One member from the Maine Society of Otolaryngologists;

31       E. One member from a parent organization whose mission is to serve children and  
32 families with hearing loss;

33       F. One member from the Maine Academy of Audiology; and

34       G. One member from the Maine Administrators of Services for Children with  
35 Disabilities;

36       2. The following members appointed by the Speaker of the House:

- 1 A. Two members of the House of Representatives. When making the appointments,  
2 the Speaker of the House shall give preference to members from the Joint Standing  
3 Committee on Education and Cultural Affairs and to members from the Joint  
4 Standing Committee on Health and Human Services;
- 5 B. One member from an auditory oral training program for deaf education;
- 6 C. One member from a manual training program for deaf education;
- 7 D. One member who is a parent of a child with hearing loss identified at birth and  
8 whose child uses an auditory oral approach for communication;
- 9 E. One member who is a parent of a child with hearing loss identified at birth and  
10 whose child uses manual communication;
- 11 F. One adult who is deaf or hard-of-hearing who uses an auditory oral approach for  
12 communication; and
- 13 G. One adult who is deaf or hard-of-hearing who uses manual communication;
- 14 3. The Director of the Maine Education Center for the Deaf and Hard-of-hearing or  
15 the director's designee; and
- 16 4. The Executive Director of hear ME now! or the director's designee; and be it  
17 further

18 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate  
19 chair of the working group and the first-named House of Representatives member is the  
20 House chair of the working group; and be it further

21 **Sec. 4. Appointments. Resolved:** That all appointments must be made no later  
22 than 30 days following the effective date of this resolve. The appointing authorities shall  
23 notify the Executive Director of the Legislative Council once all appointments have been  
24 completed. Within 15 days after appointment of all members, the chairs shall call and  
25 convene the first meeting of the working group, which must be no later than 30 days after  
26 the appointment of all members is complete; and be it further

27 **Sec. 5. Duties. Resolved:** That the working group shall examine issues of  
28 access to timely and accurate diagnosis of hearing loss by 3 months of age, and review  
29 and assess the processes by which families are informed of their options for  
30 communication and for finding providers in the State.

31 In examining these issues, the working group shall specifically examine:

- 32 1. The definition of a "highly qualified provider" in various professions serving this  
33 population;
- 34 2. The operation and effectiveness of existing programs and resources for families  
35 who have children who have been identified as having hearing loss;
- 36 3. Opportunities for coordination to maximize the effects of available resources;

- 1           4. The need for state or private programs to supplement state programs or to enable  
2 existing programs to serve a greater portion of those eligible;
- 3           5. Techniques to use resources in new ways or new combinations that have the  
4 potential for easing the burden on current providers and enhancing the training of current  
5 and new providers to enable equal access to highly qualified providers to all children  
6 statewide;
- 7           6. The effects of limited resources for diagnostic testing and poor reimbursement  
8 rates; and
- 9           7. Programs and techniques that are employed in other states or countries; and be it  
10 further

11           **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide  
12 necessary staffing services to the working group; and be it further

13           **Sec. 7. Compensation. Resolved:** That the legislative members of the working  
14 group are entitled to receive the legislative per diem, as defined in the Maine Revised  
15 Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses  
16 related to their attendance at authorized meetings of the working group. Public members  
17 not otherwise compensated by their employers or other entities that they represent are  
18 entitled to receive reimbursement of necessary expenses and, upon a demonstration of  
19 financial hardship, a per diem equal to the legislative per diem for their attendance at  
20 authorized meetings of the working group; and be it further

21           **Sec. 8. Report. Resolved:** That, no later than December 7, 2007, the working  
22 group shall submit a report that includes its findings and recommendations, including  
23 suggested legislation, to the Second Regular Session of the 123rd Legislature. The  
24 working group is not authorized to introduce legislation; and be it further

25           **Sec. 9. Extension. Resolved:** That, if the working group requires a limited  
26 extension of time to complete its study and make its report, it may apply to the  
27 Legislative Council, which may grant an extension; and be it further

28           **Sec. 10. Working group budget. Resolved:** That the working group shall seek  
29 outside funds to fully fund all costs of the working group. If sufficient outside funding  
30 has not been received by the working group by September 15, 2007 to fully fund all costs  
31 of the working group, no meetings are authorized and no expenses of any kind may be  
32 incurred or reimbursed. Contributions to support the work of the working group may not  
33 be accepted from any party having a pecuniary or other vested interest in the outcome of  
34 the matters being studied. Any person, other than a state agency, desiring to make a  
35 financial or in-kind contribution must certify to the Legislative Council that it has no  
36 pecuniary or other vested interest in the outcome of the study. The certification must be  
37 made in the manner prescribed by the Legislative Council. All contributions are subject  
38 to approval by the Legislative Council. All funds accepted must be forwarded to the  
39 Executive Director of the Legislative Council along with an accounting record that  
40 includes the amount of the funds, the date the funds were received, from whom the funds  
41 were received and the purpose of and any limitation on the use of the funds. The

1 Executive Director of the Legislative Council shall administer any funds received by the  
2 working group. The executive director shall notify the chairs of the working group when  
3 sufficient funding has been received. Within 10 days after its first meeting, the working  
4 group shall present a work plan and proposed budget to the Legislative Council for its  
5 approval. The working group may not incur expenses that would result in the working  
6 group's exceeding its approved budget.

7 **Emergency clause.** In view of the emergency cited in the preamble, this  
8 legislation takes effect when approved.

9 **SUMMARY**

10 This resolve establishes the Working Group To Study the Effectiveness and  
11 Timeliness of Early Identification and Intervention for Children with Hearing Loss in  
12 Maine. The working group shall submit a report that includes its findings and  
13 recommendations, including suggest legislation, to the Second Regular Session of the  
14 123rd Legislature.