# PART C, CHAPTER 5.2.g:COCHLEAR IMPLANTS AND BONE-ANCHORED HEARING AIDS

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 5.2.g | 34 CFR [§361.5(c)(39)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(39)), [§361.48(b)(5)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(5)), and TWC Rule [§856.43](https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=43) 21 CFR §874, §801, 34 CFR §300.113, and Texas Insurance Code Title 8, Subtitle E, Chapter 1367 | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Cochlear Implants and Bone Anchored Hearing Aids surgery, headbands/softbands/ soundarcs/adhears, and processor replacements.

## DEFINITIONS

Best Value Purchasing: Purchasing the least expensive services that meet the customer's vocational needs. Also known as the acquisition cost. Determining the acquisition cost ensures staff consider all factors that influence the total cost and value to both the customer and TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including surgery and processor services and the provider of those services.

## POLICY

### General Overview

TWC-VR supports individuals who are deaf or hard of hearing through the provision of cochlear implants. These devices significantly enhance communication abilities, sound awareness, and overall quality of life. Cochlear implants are purchased for individuals with severe to profound hearing loss, offering the ability to perceive sound and understand speech. These technologies facilitate better educational and professional opportunities, reduce social isolation, and contribute to mental well-being, thereby enabling individuals to participate more fully in society.

### Bone-Anchored Hearing Aid (BAHA)

Bone conduction hearing aids or hearing systems, also called osseointegrated or bone-anchored devices, are technology approved by the FDA to treat certain types of hearing loss. There are surgical and non-surgical options for bone conduction hearing systems. Bone conduction hearing aids amplify sound via bone conduction, or vibrations through the bones of the skull.

BAHA surgeries are provided only when—

* Performed by otologists and licensed audiologists and required to improve or stabilize the effects of the physical impairment; and
* Necessary to achieve an employment outcome.

### Cochlear Implants

Cochlear implants are surgically implanted devices that bypass damaged parts of the inner ear and directly stimulate the auditory nerve. They consist of an external processor that captures sound and an internal implant that sends electrical signals to the brain. Cochlear implants are suitable for individuals with severe to profound sensorineural hearing loss who do not benefit sufficiently from hearing aids.

Cochlear Implants are provided only when—

* Performed by otologists and licensed audiologists and required to improve or stabilize the effects of the physical impairment; and
* Necessary to achieve an employment outcome.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on Cochlear Implants or BAHAs unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
* Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Cochlear Implant, Bone Conduction Implant, and Bone-Anchored Hearing Aid Surgery

Surgery for a cochlear implant, bone conduction implant or a bone anchored hearing aid (BAHA) may be authorized when it is expected to correct or substantially modify a stable or slowly progressive hearing impairment that constitutes a substantial impediment to employment and/or training that is required for a specific employment outcome.

Documentation must address how the surgery will correct or modify substantially, within a reasonable period, the hearing impairment that constitutes a substantial impediment to employment.

* Determining the Need for Surgery: Before planning surgical services, the customer must have—
	+ Been diagnosed with a significant hearing loss and be unable to use a hearing aid effectively in the ear to be implanted;
	+ A stable or slowly progressive hearing impairment;
	+ Good overall general health, as evaluated by a general history and physical examination;
	+ No evidence of problems that would preclude surgery or the aural rehabilitation program, including middle ear infection;
	+ For cochlear implant surgery—
		- An optimal inner ear structure, including an accessible cochlear lumen that is structurally suited to taking an implant; and
		- No evidence of lesions in the auditory nerve and acoustic areas of the central nervous system;
	+ For bone conduction implant and BAHA surgery, good inner ear function; and
	+ Been evaluated by an otologic surgeon who is qualified to perform cochlear implant, bone conduction implant, and BAHA surgeries including a completed *Surgery and Treatment Recommendation (VR3110)*.
* Evaluation Report: The evaluation report completed by the Otologic Surgeon must include the following:
	+ Diagnosis;
	+ Recommendations for treatment, including a letter of medical necessity (only necessary when the customer has insurance); and
	+ Prognosis.
* Requirements: The VR Counselor must ensure that—
	+ The consultation with a Local Medical Consultant (LMC) has occurred and received a completed Consultant Review (VR3101);
	+ For cochlear implant candidates, an effective aural rehabilitation program following surgery is available may include the need for a psychological evaluation; and
	+ Through counseling and guidance, the customer—
		- Understands the prescribed treatment program and is willing and able to follow through;
		- Acknowledges potential side effects; and
		- Accepts that the device—
			* May be supplemented by a hearing aid in the other ear and/or use of other assistive listening devices; and
			* Can create the perception of sound but will not restore normal hearing.

### Bone-Anchored Hearing Aid Headband/Softband/SoundArc/Adhere

BAHA headband/softband/soundarc/adhear are a non-surgical alternative to the surgical BAHA. Non-surgical devices are worn on a headband or attached directly to the skin with adhesive.

* Considerations: The VR Counselor must carefully consider the following when assessing the need for a headband/softband/soundarc:
	+ The customer's vocational goal, including tasks, functions, and work conditions, particularly where it relates to the customer's ability to hear and understand conversational speech and/or environmental sounds;
	+ The potential impact on the customer's ability to obtain and maintain employment if the device is not provided;
	+ The availability of assistive technology to enable the customer to gain full benefits in training or on the job; and
	+ Good inner ear function.
* Evaluation Report: The evaluation report completed by the audiologist and otologist must include the following:
	+ Diagnosis;
	+ Recommendations for treatment, including a letter of medical necessity (only necessary when the customer has insurance); and
	+ Anticipated prognosis.
* Medical Director Consultation: The cost of the recommended headband or softband/soundarc/adhear may exceed the threshold set in MAPS. When this occurs, Medical Director consultation is required to override the pre-set rate in MAPS. To obtain Medical Director consultation, the VR Counselor sends an email to vr.medicalservices@twc.texas.gov along with the following:
	+ Evaluation report from the audiologist;
	+ Manufacturer's quote for headband or softband or soundarc or adhear; and
	+ VR justification for the upgrade.

### Cochlear Implants, Bone Conduction Implant, and Bone-Anchored Hearing Aids Replacement Processors

The VR Counselor may authorize replacement of cochlear implant, bone conduction implant, and bone anchored hearing aid (BAHA) processors, including BAHA with headband/softband/soundarc/adhear, when they are expected to improve the customer's ability to participate in employment and/or training required for a specific employment outcome identified on the Individualized Plan for Employment (IPE). As part of the assessing and planning process, the VR Counselor must document the expected outcomes, such as the expectation of an improved ability to understand spoken communication or respond to environmental cues.

Replacement of processors may not be authorized solely for the sake of upgrading to newer technology.

* Considerations: The VR Counselor must carefully consider the following when assessing the need for such replacement:
	+ The customer’s vocational goal, including tasks, functions, and work conditions, particularly where it relates to the customer’s ability to hear and understand conversational speech and/or environmental sounds;
	+ The potential impact on the customer’s ability to obtain and maintain employment if replacement is not made;
	+ The availability of assistive technology to enable the customer to gain full benefits in training or on the job; and
	+ The status of the customer’s device, especially relating to—
		- Warranty coverage;
		- Physical condition; and
		- Need for repair, if any.
* Evaluation Report: The evaluation report completed by the audiologist and otologist must include the following:
	+ Diagnosis;
	+ Recommendations for treatment, including a letter of medical necessity (only necessary when the customer has insurance); and
	+ Anticipated prognosis.
* Medical Director Consultation: The cost of the recommended replacement processor may exceed the threshold set in MAPS. When this occurs, Medical Director consultation is required to override the pre-set rate in MAPS. To obtain Medical Director consultation, the VR Counselor sends an email to vr.medicalservices@twc.texas.gov along with the following:
	+ Evaluation report from the audiologist;
	+ Manufacturer’s quote for processor replacement; and
	+ VR justification for the upgrade.

### TWC-VR Consultation

The VR Counselor must send a consultation packet to the following for consultation before planning the purchase of any replacement processor, BAHA headband/softband/soundarc/adhear, and/or surgery:

* State Office Program Specialist for the Deaf and Hard of Hearing (for all caseloads except Blind and Visual Impairment [BVI]); or
* State Office Manager for Blind Services Field Support (for BVI caseloads).

The consultation packet must include the following:

* Medical, audiological, speech, and language evaluations and reports as specified above; and
* Justification of how device replacement, headband/softband/soundarc/adhear, and/or surgery will lessen the vocational impediment.

The VR Counselor can use the checklist for additional information. After the State Office Program Specialist for the Deaf and Hard of Hearing or the State Office Manager for Blind Services Field Support reviews the consultation packet, a case note documenting the consultation is entered in RHW.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

* *Medical Director consultation is required when the cost of the recommended processor or replacement processor exceeds the threshold set in MAPS and an override to the pre-set rate is needed. VR Manager must be copied on email with the consultation packet.*
* *LMC review is required for cochlear implant and bone anchored hearing aid surgery.*
* *State Office Program Specialist for the Deaf and Hard of Hearing (for all caseloads except Blind and Visual Impairment [BVI])* *or the State Office Manager for Blind Services Field Support (BVI caseloads only) consultations are required when providing surgery and/or processor replacements. VR Manager must be copied on email with the consultation packet.*

## REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

| Date | Type | Change Description |
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| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |