

3379

2011-2012 Regular Sessions

I N   S E N A T E

February 17, 2011

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Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, the public health law and the social services law, in relation to requiring coverage for the purchase of medically necessary hearing aids for children under the age of sixteen years

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     "Isabella's law".  
3     S 2. Subsection (i) of section 3216 of the insurance law is amended by  
4     adding a new paragraph 28 to read as follows:  
5     (28) (A) (I) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS  
6     STATE SHALL PROVIDE COVERAGE FOR MEDICALLY NECESSARY HEARING AIDS  
7     PURCHASED FROM A HEARING AID DISPENSER REGISTERED UNDER ARTICLE THIRTY-  
8     SEVEN-A OF THE GENERAL BUSINESS LAW OR AN AUDIOLOGIST LICENSED UNDER  
9     ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW FOR AN INSURED  
10    PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH INSURED PERSON SHALL  
11    BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND DOLLARS FOR EACH  
12    HEARING AID EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP  
13    TO TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (1) THE INSURED  
14    CHILD'S HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND  
15    (2) THE EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING  
16    LOSS, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDI-  
17    TIONAL HEARING AID EXPENSES.  
18    (II) FOR THE PURPOSES OF THIS PARAGRAPH, THE INSURED PERSON SHALL BE  
19    ENTITLED TO SPEND MORE THAN ONE THOUSAND DOLLARS ON EACH HEARING AID,  
20    BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT PROVIDED IN  
21    CLAUSE (I) OF THIS SUBPARAGRAPH.  
22    (B)(I) FOR THE PURPOSES OF THIS PARAGRAPH "HEARING AID" SHALL MEAN ANY  
23    WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS,

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSORIES THERETO.

(II) FOR THE PURPOSES OF THIS SECTION, SERVICES FOR RECASING, RESHELLING AND ACQUIRING NEW MOLDS SHALL BE INCLUDED AS PART OF THE POLICIES.

(C) COVERAGE PROVIDED PURSUANT TO THIS PARAGRAPH SHALL NOT BE SUBJECT TO DEDUCTIBLES, COINSURANCE OR COPAYMENTS.

S 3. Section 3221 of the insurance law is amended by adding a new subsection (s) to read as follows:

(S) (1) (A) EVERY GROUP HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS STATE SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM A HEARING AID DISPENSER REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW OR AN AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND DOLLARS FOR EACH HEARING AID EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (I) THE INSURED CHILD'S HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (II) THE EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDITIONAL HEARING AID EXPENSES.

(B) FOR THE PURPOSES OF THIS SUBSECTION, THE INSURED PERSON SHALL BE ENTITLED TO SPEND MORE THAN ONE THOUSAND DOLLARS ON EACH HEARING AID, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT PROVIDED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH.

(2)(A) FOR THE PURPOSES OF THIS SUBSECTION, "HEARING AID" SHALL MEAN ANY WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS, ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSORIES THERETO.

(B) FOR THE PURPOSES OF THIS SECTION, SERVICES FOR RECASING, RESHELLING AND ACQUIRING NEW MOLDS SHALL BE INCLUDED AS PART OF THE POLICIES.

(3) COVERAGE PROVIDED PURSUANT TO THIS SUBSECTION SHALL NOT BE SUBJECT TO DEDUCTIBLES, COINSURANCE OR COPAYMENTS.

S 4. Section 4303 of the insurance law is amended by adding a new subsection (hh) to read as follows:

(HH) (1) (A) EVERY CONTRACT ISSUED OR DELIVERED IN THIS STATE BY A HEALTH SERVICE CORPORATION OR HOSPITAL SERVICE CORPORATION SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM A HEARING AID DISPENSER REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW OR AN AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND DOLLARS FOR EACH HEARING AID EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (I) THE INSURED CHILD'S HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (II) THE EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDITIONAL HEARING AID EXPENSES.

(B) FOR THE PURPOSES OF THIS SUBSECTION, THE INSURED PERSON SHALL BE ENTITLED TO SPEND MORE THAN ONE THOUSAND DOLLARS ON EACH HEARING AID, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT PROVIDED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH.

(2)(A) FOR THE PURPOSES OF THIS SUBSECTION, "HEARING AID" SHALL MEAN ANY WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS, ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSORIES THERETO.

1 (B) FOR THE PURPOSES OF THIS SECTION, SERVICES FOR RECASING, RESHELL-  
2 ING AND ACQUIRING NEW MOLDS SHALL BE INCLUDED AS PART OF THE POLICIES.

3 (3) COVERAGE PROVIDED PURSUANT TO THIS SUBSECTION SHALL NOT BE SUBJECT  
4 TO DEDUCTIBLES, COINSURANCE OR COPAYMENTS.

5 S 5. Subdivision 6 of section 2511 of the public health law is amended  
6 by adding a new paragraph (c-1) to read as follows:

7 (C-1) STANDARDS REQUIRING COVERAGE FOR MEDICALLY NECESSARY HEARING  
8 AIDS IN ACCORDANCE WITH SUBSECTION (S) OF SECTION THREE THOUSAND TWO  
9 HUNDRED TWENTY-ONE OF THE INSURANCE LAW;

10 S 6. Subdivision 2 of section 365-a of the social services law is  
11 amended by adding a new paragraph (w) to read as follows:

12 (W) THE PURCHASE OF MEDICALLY NECESSARY HEARING AIDS FROM A HEARING  
13 AID DISPENSER REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL  
14 BUSINESS LAW OR AN AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED  
15 FIFTY-NINE OF THE EDUCATION LAW FOR ANY CHILD WHO IS LESS THAN SIXTEEN  
16 YEARS OF AGE. SUCH ASSISTANCE SHALL BE LIMITED TO ONE THOUSAND DOLLARS  
17 FOR EACH HEARING AID EVERY TWO YEARS FOR UP TO TWO HEARING AIDS.

18 S 7. This act shall take effect July 1, 2013 and sections two, three  
19 and four of this act shall apply to all policies issued, modified or  
20 renewed on and after such date.