

3379--A

2011-2012 Regular Sessions

I N   S E N A T E

February 17, 2011

---

Introduced by Sens. McDONALD, LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 29 to read as follows:  
5     (29) (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,

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

LBD06999-04-2

1 BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT PROVIDED IN  
2 CLAUSE (I) OF THIS SUBPARAGRAPH.

3 (B)(I) FOR THE PURPOSES OF THIS PARAGRAPH "HEARING AID" SHALL MEAN ANY  
4 WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS,  
5 ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSO-  
6 RIES THERETO.

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

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

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

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

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

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

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

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

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

40 (II) (1) (A) EVERY CONTRACT ISSUED OR DELIVERED IN THIS STATE BY A  
41 HEALTH SERVICE CORPORATION OR HOSPITAL SERVICE CORPORATION SHALL PROVIDE  
42 COVERAGE FOR HEARING AIDS PURCHASED FROM A HEARING AID DISPENSER REGIS-  
43 TERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW OR AN  
44 AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCA-  
45 TION LAW FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE,  
46 SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE  
47 THOUSAND DOLLARS FOR EACH HEARING AID EVERY TWO YEARS FOR EXPENSES  
48 RELATED TO THE PURCHASE OF UP TO TWO HEARING AIDS. WHEN IT IS DEMON-  
49 STRATED THAT (I) THE INSURED CHILD'S HEARING HAS CHANGED SIGNIFICANTLY  
50 WITHIN A TWO YEAR PERIOD AND (II) THE EXISTING HEARING AID WILL NO LONG-  
51 ER CORRECT THE CHILD'S HEARING LOSS, SUCH INSURED PERSON SHALL BE ENTI-  
52 TLED TO REIMBURSEMENT FOR ADDITIONAL HEARING AID EXPENSES.

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

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

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

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

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

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

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

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

22 S 7. This act shall take effect July 1, 2014 and sections two, three  
23 and four of this act shall apply to all policies issued, modified or  
24 renewed on and after such date.