

S T A T E O F N E W Y O R K

8242--A

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

Introduced by M. of A. KOON, BARRON, ZEBROWSKI, LUPARDO, CAHILL, TITUS, MARKEY, JAFFEE, FIELDS, COLTON, GALEF, BOYLAND, COOK, DINOWITZ, ESPAILLAT, GUNTHER -- Multi-Sponsored by -- M. of A. EDDINGTON, LANCMAN, MAISEL, O'DONNELL, PHEFFER, ROBINSON, STIRPE, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to providing coverage for hearing aids

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 26 to read as follows:
3 (26) (A) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS
4 STATE SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM HEARING AID
5 DISPENSERS REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSI-
6 NESS LAW OR AUDIOLOGISTS LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE
7 OF THE EDUCATION LAW IN THE FOLLOWING MANNER:
8 (I) FOR AN INSURED PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER, SUCH
9 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO THREE THOU-
10 SAND DOLLARS EVERY FOUR YEARS FOR EXPENSES RELATED TO THE PURCHASE OF
11 EACH HEARING AID.
12 (II) FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH
13 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO THREE THOU-
14 SAND DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF
15 EACH HEARING AID. WHEN IT IS DEMONSTRATED THAT (1) THE INSURED CHILD'S
16 HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (2) THE
17 EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS,
18 SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDITIONAL
19 HEARING AID EXPENSES.

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

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(B)(I) FOR THE PURPOSES OF THIS PARAGRAPH "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. A REGISTERED HEARING AID DISPENSER OR LICENSED AUDIOLOGIST SHALL DETERMINE THE TYPE OF DEVICE NEEDED TO CORRECT THE HEARING LOSS.

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

(R) (1) EVERY GROUP HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS STATE SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM HEARING AID DISPENSERS REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW OR AUDIOLOGISTS LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW IN THE FOLLOWING MANNER:

(A) FOR AN INSURED PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO THREE THOUSAND DOLLARS EVERY FOUR YEARS FOR EXPENSES RELATED TO THE PURCHASE OF EACH HEARING AID.

(B) FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO THREE THOUSAND DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF EACH HEARING AID. 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.

(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. A REGISTERED HEARING AID DISPENSER OR LICENSED AUDIOLOGIST SHALL DETERMINE THE TYPE OF DEVICE NEEDED TO CORRECT THE HEARING LOSS.

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

(FF) (1) 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 HEARING AID DISPENSERS REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW OR AUDIOLOGISTS LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW IN THE FOLLOWING MANNER:

(A) FOR AN INSURED PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO THREE THOUSAND DOLLARS EVERY FOUR YEARS FOR EXPENSES RELATED TO THE PURCHASE OF EACH HEARING AID.

(B) FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO THREE THOUSAND DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF EACH HEARING AID. WHEN IT IS DEMONSTRATED THAT (I) THE INSURED CHILD'S HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (II) THE

1 EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS,
2 SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDITIONAL
3 HEARING AID EXPENSES.

4 (2)(A) FOR THE PURPOSES OF THIS SUBSECTION, "HEARING AID" SHALL MEAN
5 ANY WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS,
6 ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSO-
7 RIES THERETO. A REGISTERED HEARING AID DISPENSER OR LICENSED AUDIOLO-
8 GIST SHALL DETERMINE THE TYPE OF DEVICE NEEDED TO CORRECT THE HEARING
9 LOSS.

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

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

14 S 4. This act shall take effect on the first of January next succeed-
15 ing the date on which it shall have become a law and shall apply to all
16 policies issued, modified or renewed on and after such date.