

2913

2009-2010 Regular Sessions

I N S E N A T E

March 5, 2009

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

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 NEW YORK
5 STATE HEARING AID DISPENSERS REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF
6 THE GENERAL BUSINESS LAW OR AUDIOLOGISTS LICENSED UNDER ARTICLE ONE
7 HUNDRED FIFTY-NINE 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 ONE THOUSAND
10 DOLLARS EVERY THREE YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
11 TWO HEARING AIDS.
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 ONE THOUSAND
14 DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
15 TWO HEARING AIDS. 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.
20 (III) FOR THE PURPOSES OF THIS PARAGRAPH, THE INSURED PERSON SHALL BE
21 ENTITLED TO SPEND MORE THAN ONE THOUSAND DOLLARS ON HEARING AID
22 EXPENSES, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT
23 PROVIDED IN CLAUSE (I) OR (II) OF THIS SUBPARAGRAPH.
24 (B)(I) FOR THE PURPOSES OF THIS PARAGRAPH "HEARING AID" SHALL MEAN ANY
25 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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1 ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSO-
2 RIES THERETO.

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

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

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

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

14 (A) FOR AN INSURED PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER, SUCH
15 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND
16 DOLLARS EVERY THREE YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
17 TWO HEARING AIDS.

18 (B) FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH
19 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND
20 DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
21 TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (I) THE INSURED CHILD'S
22 HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (II) THE
23 EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS,
24 SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDITIONAL
25 HEARING AID EXPENSES.

26 (C) FOR THE PURPOSES OF THIS SUBSECTION, THE INSURED PERSON SHALL BE
27 ENTITLED TO SPEND MORE THAN ONE THOUSAND DOLLARS ON HEARING AID
28 EXPENSES, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT
29 PROVIDED IN SUBPARAGRAPH (A) OR (B) 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 3. Section 4303 of the insurance law is amended by adding a new
39 subsection (ff) to read as follows:

40 (FF) (1) EVERY CONTRACT ISSUED OR DELIVERED IN THIS STATE BY A HEALTH
41 SERVICE CORPORATION OR HOSPITAL SERVICE CORPORATION SHALL PROVIDE COVER-
42 AGE FOR HEARING AIDS PURCHASED FROM NEW YORK STATE HEARING AID DISPEN-
43 SERS REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW
44 OR AUDIOLOGISTS LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE
45 EDUCATION LAW IN THE FOLLOWING MANNER:

46 (A) FOR AN INSURED PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER, SUCH
47 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND
48 DOLLARS EVERY THREE YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
49 TWO HEARING AIDS.

50 (B) FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH
51 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND
52 DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
53 TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (I) THE INSURED CHILD'S
54 HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (II) THE
55 EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS,

1 SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDITIONAL
2 HEARING AID EXPENSES.

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

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

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

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

15 S 4. This act shall take effect July 1, 2011 and shall apply to all
16 policies issued, modified or renewed on and after such date.