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

3907--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 28, 2011

Introduced by M. of A. MORELLE, MAGNARELLI, CLARK, ORTIZ, ENGLEBRIGHT, JAFFEE -- Multi-Sponsored by -- M. of A. AUBRY, BOYLAND, COLTON, GLICK, HEASTIE, KOLB, LATIMER, LENTOL, LIFTON, MARKEY, MILLMAN, NOLAN, PAULIN, PERRY, WEISENBERG, WRIGHT -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- 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:

Section 1. Paragraphs 27 and 28 of subsection (i) of section 3216 of the insurance law, paragraph 27 as added by chapter 536 of the laws of 2010 and paragraph 28 as added by chapter 589 of the laws of 2011, are renumbered paragraphs 29 and 30 and a new paragraph 31 is added to read as follows:

(31) (A) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS STATE SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM NEW YORK STATE 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:

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

(II) 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 EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (1) THE INSURED CHILD'S HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (2) THE

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

LBD05492-03-2

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.

(III) FOR THE PURPOSES OF THIS PARAGRAPH, THE INSURED PERSON SHALL BE ENTITLED TO SPEND MORE THAN ONE THOUSAND DOLLARS ON HEARING AID EXPENSES, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT PROVIDED IN CLAUSE (I) OR (II) OF THIS SUBPARAGRAPH.

(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.

(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 (s) to read as follows:

(S) (1) EVERY GROUP HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS STATE SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM NEW YORK STATE 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 ONE THOUSAND DOLLARS EVERY THREE YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO TWO HEARING AIDS.

(B) 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 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.

(C) FOR THE PURPOSES OF THIS SUBSECTION, THE INSURED PERSON SHALL BE ENTITLED TO SPEND MORE THAN ONE THOUSAND DOLLARS ON HEARING AID EXPENSES, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT PROVIDED IN SUBPARAGRAPH (A) OR (B) 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 3. Subsections (gg) and (hh) of section 4303 of the insurance law, subsection (gg) as added by chapter 536 of the laws of 2010 and subsection (hh) as added by chapter 589 of the laws of 2011, are relettered subsections (ii) and (jj) and a new subsection (kk) is added to read as follows:

(KK) (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 NEW YORK STATE 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 ONE THOUSAND DOLLARS EVERY THREE YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO TWO HEARING AIDS.

(B) 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 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.

(C) FOR THE PURPOSES OF THIS SUBSECTION, THE INSURED PERSON SHALL BE ENTITLED TO SPEND MORE THAN ONE THOUSAND DOLLARS ON HEARING AID EXPENSES, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT PROVIDED IN SUBPARAGRAPH (A) OR (B) 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. This act shall take effect July 1, 2014 and shall apply to all policies issued, modified or renewed on and after such date.