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

4339

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. SPANO, J. MILLER, LUPARDO, PRETLOW, SCHROEDER, COLTON, JAFFEE, MILLMAN, GUNTHER, LANCMAN, N. RIVERA, STEVENSON, McKEVITT -- Multi-Sponsored by -- M. of A. ABBATE, ENGLEBRIGHT, GALEF, GIBSON, GOTTFRIED, HIKIND, McENENY, MURRAY, RAIA, SWEENEY -- read once and referred 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:

Section 1. Short title. This act shall be known and may be cited as "Isabella's law".

S 2. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 28 to read as follows:

(28) (A) (I) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS STATE SHALL PROVIDE COVERAGE FOR MEDICALLY NECESSARY 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 (1) THE INSURED CHILD'S HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (2) 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.

(II) FOR THE PURPOSES OF THIS PARAGRAPH, THE INSURED PERSON SHALL BE 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.

LBD06999-02-1

BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT PROVIDED IN CLAUSE (I) 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 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.

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

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

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

(W) THE PURCHASE OF MEDICALLY NECESSARY HEARING AIDS 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 ANY CHILD WHO IS LESS THAN SIXTEEN YEARS OF AGE. SUCH ASSISTANCE SHALL BE LIMITED TO ONE THOUSAND DOLLARS FOR EACH HEARING AID EVERY TWO YEARS FOR UP TO TWO HEARING AIDS.

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