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

1983

2011-2012 Regular Sessions

I N A S S E M B L Y

January 12, 2011

Introduced by M. of A. ROSENTHAL -- read once and referred 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:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 28 to read as follows:

(28) (A) EVERY 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:

(I) 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.

(II) 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 (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.

(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.

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

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(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 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 (hh) to read as follows:

(HH) (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 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 ACCESSO-

RIES 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 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies issued, modified or renewed on and after such date.