

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 (28) (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.

20 (B)(I) FOR THE PURPOSES OF THIS PARAGRAPH "HEARING AID" SHALL MEAN ANY
21 WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS,
22 ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSO-
23 RIES THERETO. A REGISTERED HEARING AID DISPENSER OR LICENSED AUDIOLO-
24 GIST SHALL DETERMINE THE TYPE OF DEVICE NEEDED TO CORRECT THE HEARING
25 LOSS.

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

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

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

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

7 (S) (1) EVERY GROUP HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN
8 THIS STATE SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM HEAR-
9 ING AID DISPENSERS REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENER-
10 AL BUSINESS LAW OR AUDIOLOGISTS LICENSED UNDER ARTICLE ONE HUNDRED
11 FIFTY-NINE OF THE EDUCATION LAW IN THE FOLLOWING MANNER:

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

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

24 (2)(A) FOR THE PURPOSES OF THIS SUBSECTION, "HEARING AID" SHALL MEAN
25 ANY WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS,
26 ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSO-
27 RIES THERETO. A REGISTERED HEARING AID DISPENSER OR LICENSED AUDIOLO-
28 GIST SHALL DETERMINE THE TYPE OF DEVICE NEEDED TO CORRECT THE HEARING
29 LOSS.

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

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

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

36 (HH) (1) EVERY CONTRACT ISSUED OR DELIVERED IN THIS STATE BY A HEALTH
37 SERVICE CORPORATION OR HOSPITAL SERVICE CORPORATION SHALL PROVIDE COVER-
38 AGE FOR HEARING AIDS PURCHASED FROM HEARING AID DISPENSERS REGISTERED
39 UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW OR AUDIOLOGISTS
40 LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW IN
41 THE FOLLOWING MANNER:

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

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

54 (2)(A) FOR THE PURPOSES OF THIS SUBSECTION, "HEARING AID" SHALL MEAN
55 ANY WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS,
56 ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSO-

1 RIES THERETO. A REGISTERED HEARING AID DISPENSER OR LICENSED AUDIOLO-
2 GIST SHALL DETERMINE THE TYPE OF DEVICE NEEDED TO CORRECT THE HEARING
3 LOSS.

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

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

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