

6051--A

2013-2014 Regular Sessions

I N A S S E M B L Y

March 13, 2013

Introduced by M. of A. MORELLE, MAGNARELLI, CLARK, ORTIZ, ENGLEBRIGHT, JAFFEE -- Multi-Sponsored by -- M. of A. AUBRY, COLTON, GLICK, HEASTIE, KOLB, LENTOL, LIFTON, MARKEY, MILLMAN, NOLAN, PAULIN, PERRY, WEISENBERG, WRIGHT -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance 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:

1 Section 1. Paragraphs 27 and 28 of subsection (i) of section 3216 of
2 the insurance law, paragraph 27 as added by chapter 536 of the laws of
3 2010 and paragraph 28 as added by chapter 589 of the laws of 2011, are
4 renumbered paragraphs 30 and 31 and a new paragraph 32 is added to read
5 as follows:
6 (32) (A) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS
7 STATE SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM NEW YORK
8 STATE HEARING AID DISPENSERS REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF
9 THE GENERAL BUSINESS LAW OR AUDIOLOGISTS LICENSED UNDER ARTICLE ONE
10 HUNDRED FIFTY-NINE OF THE EDUCATION LAW IN THE FOLLOWING MANNER:
11 (I) FOR AN INSURED PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER, SUCH
12 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND
13 DOLLARS EVERY THREE YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
14 TWO HEARING AIDS.
15 (II) FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH
16 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND
17 DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
18 TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (1) THE INSURED CHILD'S
19 HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (2) THE
20 EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS,

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

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

3 (III) FOR THE PURPOSES OF THIS PARAGRAPH, 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 CLAUSE (I) OR (II) OF THIS SUBPARAGRAPH.

7 (B)(I) FOR THE PURPOSES OF THIS PARAGRAPH "HEARING AID" SHALL MEAN ANY
8 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 (II) 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 (C) COVERAGE PROVIDED PURSUANT TO THIS PARAGRAPH SHALL NOT BE SUBJECT
14 TO DEDUCTIBLES, COINSURANCE, OR COPAYMENTS.

15 S 2. Section 3221 of the insurance law is amended by adding a new
16 subsection (t) to read as follows:

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

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

26 (B) FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH
27 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND
28 DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
29 TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (I) THE INSURED CHILD'S
30 HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (II) THE
31 EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS,
32 SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDITIONAL
33 HEARING AID EXPENSES.

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

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

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

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

46 S 3. Section 4303 of the insurance law is amended by adding a new
47 subsection (oo) to read as follows:

48 (OO) (1) EVERY CONTRACT ISSUED OR DELIVERED IN THIS STATE BY A HEALTH
49 SERVICE CORPORATION OR HOSPITAL SERVICE CORPORATION SHALL PROVIDE COVER-
50 AGE FOR HEARING AIDS PURCHASED FROM NEW YORK STATE HEARING AID DISPEN-
51 SERS REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW
52 OR AUDIOLOGISTS LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE
53 EDUCATION LAW IN THE FOLLOWING MANNER:

54 (A) FOR AN INSURED PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER, SUCH
55 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND

1 DOLLARS EVERY THREE YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
2 TWO HEARING AIDS.

3 (B) FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH
4 INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND
5 DOLLARS EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO
6 TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (I) THE INSURED CHILD'S
7 HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (II) THE
8 EXISTING HEARING AID WILL NO LONGER CORRECT THE CHILD'S HEARING LOSS,
9 SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT FOR ADDITIONAL
10 HEARING AID EXPENSES.

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

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

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

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

23 S 4. This act shall take effect July 1, 2016 and shall apply to all
24 policies issued, modified or renewed on and after such date.