

712

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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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 30 to read as follows:  
3     (30) (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-

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

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1 GIST SHALL DETERMINE THE TYPE OF DEVICE NEEDED TO CORRECT THE HEARING  
2 LOSS.

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

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

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

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

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

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

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

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

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

36 S 3. Section 4303 of the insurance law is amended by adding a new  
37 subsection (jj) to read as follows:

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

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

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

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

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

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

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