

6423

I N   S E N A T E

January 22, 2014

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Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed 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:

1     Section 1. Short title. This act shall be known and may be cited as  
2     "Isabella's law".  
3     S 2. Subsection (i) of section 3216 of the insurance law is amended by  
4     adding a new paragraph 30 to read as follows:  
5     (30) (A) (I) EVERY HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN THIS  
6     STATE SHALL PROVIDE COVERAGE FOR MEDICALLY NECESSARY HEARING AIDS  
7     PURCHASED FROM A HEARING AID DISPENSER REGISTERED UNDER ARTICLE THIRTY-  
8     SEVEN-A OF THE GENERAL BUSINESS LAW OR AN AUDIOLOGIST LICENSED UNDER  
9     ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW FOR AN INSURED  
10    PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE, SUCH INSURED PERSON SHALL  
11    BE ENTITLED TO REIMBURSEMENT OF UP TO ONE THOUSAND FIVE HUNDRED DOLLARS  
12    FOR EACH HEARING AID EVERY TWO YEARS FOR EXPENSES RELATED TO THE  
13    PURCHASE OF UP TO TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (1)  
14    THE INSURED CHILD'S HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR  
15    PERIOD AND (2) THE EXISTING HEARING AID WILL NO LONGER CORRECT THE  
16    CHILD'S HEARING LOSS, SUCH INSURED PERSON SHALL BE ENTITLED TO  
17    REIMBURSEMENT FOR ADDITIONAL HEARING AID EXPENSES.  
18    (II) FOR THE PURPOSES OF THIS PARAGRAPH, THE INSURED PERSON SHALL BE  
19    ENTITLED TO SPEND MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS ON EACH  
20    HEARING AID, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT  
21    PROVIDED IN CLAUSE (I) OF THIS SUBPARAGRAPH.  
22    (B)(I) FOR THE PURPOSES OF THIS PARAGRAPH "HEARING AID" SHALL MEAN ANY  
23    WEARABLE INSTRUMENT OR DEVICES DESIGNED FOR HEARING AND ANY PARTS,  
24    ATTACHMENTS OR ACCESSORIES BUT EXCLUDING BATTERIES AND CORDS OR ACCESSO-  
25    RIES THERETO.

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 3. Section 3221 of the insurance law is amended by adding a new  
6 subsection (t) to read as follows:

7 (T) (1) (A) EVERY GROUP HEALTH INSURANCE POLICY ISSUED OR DELIVERED IN  
8 THIS STATE SHALL PROVIDE COVERAGE FOR HEARING AIDS PURCHASED FROM A  
9 HEARING AID DISPENSER REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE  
10 GENERAL BUSINESS LAW OR AN AUDIOLOGIST LICENSED UNDER ARTICLE ONE  
11 HUNDRED FIFTY-NINE OF THE EDUCATION LAW FOR AN INSURED PERSON WHO IS  
12 LESS THAN SIXTEEN YEARS OF AGE, SUCH INSURED PERSON SHALL BE ENTITLED TO  
13 REIMBURSEMENT OF UP TO ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH HEAR-  
14 ING AID EVERY TWO YEARS FOR EXPENSES RELATED TO THE PURCHASE OF UP TO  
15 TWO HEARING AIDS. WHEN IT IS DEMONSTRATED THAT (I) THE INSURED CHILD'S  
16 HEARING HAS CHANGED SIGNIFICANTLY WITHIN A TWO YEAR PERIOD AND (II) 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) FOR THE PURPOSES OF THIS SUBSECTION, THE INSURED PERSON SHALL BE  
21 ENTITLED TO SPEND MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS ON EACH  
22 HEARING AID, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT  
23 PROVIDED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH.

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.

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

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

32 S 4. Section 4303 of the insurance law is amended by adding a new  
33 subsection (oo) to read as follows:

34 (OO) (1) (A) EVERY CONTRACT ISSUED OR DELIVERED IN THIS STATE BY A  
35 HEALTH SERVICE CORPORATION OR HOSPITAL SERVICE CORPORATION SHALL PROVIDE  
36 COVERAGE FOR HEARING AIDS PURCHASED FROM A HEARING AID DISPENSER REGIS-  
37 TERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL BUSINESS LAW OR AN  
38 AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCA-  
39 TION LAW FOR AN INSURED PERSON WHO IS LESS THAN SIXTEEN YEARS OF AGE,  
40 SUCH INSURED PERSON SHALL BE ENTITLED TO REIMBURSEMENT OF UP TO ONE  
41 THOUSAND FIVE HUNDRED DOLLARS FOR EACH HEARING AID EVERY TWO YEARS FOR  
42 EXPENSES RELATED TO THE PURCHASE OF UP TO TWO HEARING AIDS. WHEN IT IS  
43 DEMONSTRATED THAT (I) THE INSURED CHILD'S HEARING HAS CHANGED SIGNIF-  
44 ICANTLY WITHIN A TWO YEAR PERIOD AND (II) THE EXISTING HEARING AID WILL  
45 NO LONGER CORRECT THE CHILD'S HEARING LOSS, SUCH INSURED PERSON SHALL BE  
46 ENTITLED TO REIMBURSEMENT FOR ADDITIONAL HEARING AID EXPENSES.

47 (B) FOR THE PURPOSES OF THIS SUBSECTION, THE INSURED PERSON SHALL BE  
48 ENTITLED TO SPEND MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS ON EACH  
49 HEARING AID, BUT SHALL ONLY BE ALLOWED REIMBURSEMENT UP TO THE AMOUNT  
50 PROVIDED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH.

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

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

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

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

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

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

10 (BB) THE PURCHASE OF MEDICALLY NECESSARY HEARING AIDS FROM A HEARING  
11 AID DISPENSER REGISTERED UNDER ARTICLE THIRTY-SEVEN-A OF THE GENERAL  
12 BUSINESS LAW OR AN AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED  
13 FIFTY-NINE OF THE EDUCATION LAW FOR ANY CHILD WHO IS LESS THAN SIXTEEN  
14 YEARS OF AGE. SUCH ASSISTANCE SHALL BE LIMITED TO ONE THOUSAND FIVE  
15 HUNDRED DOLLARS FOR EACH HEARING AID EVERY TWO YEARS FOR UP TO TWO HEAR-  
16 ING AIDS.

17 S 7. This act shall take effect July 1, 2015 and sections two, three  
18 and four of this act shall apply to all policies issued, modified or  
19 renewed on and after such date.