

# STATE OF NEW YORK

7099

## IN SENATE

(Prefiled)

January 8, 2020

Introduced by Sen. HOYLMAN -- 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 § 2. Subsection (i) of section 3216 of the insurance law is amended by  
4 adding a new paragraph 36 to read as follows:

5 (36) (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 dollars for each  
12 hearing aid every two years for expenses related to the purchase of up  
13 to two hearing aids. When it is demonstrated that (1) the insured  
14 child's hearing has changed significantly within a two year period and  
15 (2) the existing hearing aid will no longer correct the child's hearing  
16 loss, such insured person shall be entitled to reimbursement for addi-  
17 tional hearing aid expenses.

18 (ii) for the purposes of this paragraph, the insured person shall be  
19 entitled to spend more than one thousand dollars on each hearing aid,  
20 but shall only be allowed reimbursement up to the amount provided in  
21 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.

LBD08200-02-0

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

7 (u) (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 dollars for each hearing aid every  
14 two years for expenses related to the purchase of up to two hearing  
15 aids. When it is demonstrated that (i) the insured child's hearing has  
16 changed significantly within a two year period and (ii) the existing  
17 hearing aid will no longer correct the child's hearing loss, such  
18 insured person shall be entitled to reimbursement for additional hearing  
19 aid expenses.

20 (B) For the purposes of this subsection, the insured person shall be  
21 entitled to spend more than one thousand dollars on each hearing aid,  
22 but shall only be allowed reimbursement up to the amount provided in  
23 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 § 4. Section 4303 of the insurance law is amended by adding a new  
33 subsection (ss) to read as follows:

34 (ss) (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 dollars for each hearing aid every two years for expenses  
42 related to the purchase of up to two hearing aids. When it is demon-  
43 strated that (i) the insured child's hearing has changed significantly  
44 within a two year period and (ii) the existing hearing aid will no long-  
45 er correct the child's hearing loss, such insured person shall be enti-  
46 tled 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 dollars on each hearing aid,  
49 but shall only be allowed reimbursement up to the amount provided in  
50 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 § 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 (u) of section three thousand two  
7 hundred twenty-one of the insurance law;

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

10 (gg) 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 dollars  
15 for each hearing aid every two years for up to two hearing aids.

16 § 7. This act shall take effect July 1, 2020 and sections two, three  
17 and four of this act shall apply to all policies issued, modified or  
18 renewed on and after such date.