

STATE OF NEW YORK

1002

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. SEAWRIGHT -- read once and referred to the
Committee on Insurance

AN ACT to amend the insurance law, in relation to hearing aids

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 36 to read as follows:

3 (36) (A) Every policy that provides coverage for hospital, surgical or
4 medical care shall provide coverage for medically necessary hearing aids
5 purchased from a hearing aid dispenser registered under article thirty-
6 seven-A of the general business law or an audiologist licensed under
7 article one hundred fifty-nine of the education law in the following
8 manner:

9 (i) For an insured person sixteen years of age or older, such insured
10 person shall be entitled to reimbursement of up to three thousand
11 dollars every thirty-six months for expenses related to the purchase of
12 up to two hearing aids.

13 (ii) For an insured person who is less than sixteen years of age, such
14 insured person shall be entitled to reimbursement of up to two thousand
15 dollars every twenty-four months for expenses related to the purchase of
16 up to two hearing aids, when it is medically demonstrated that:

17 (1) the hearing of the insured person under the age of sixteen has
18 changed significantly within a two-year period; and

19 (2) the existing hearing aid will no longer correct the hearing of the
20 insured person under the age of sixteen; such person shall be entitled
21 to reimbursement for additional hearing aid expenses.

22 (B)(i) For the purposes of this paragraph, "hearing aid" shall mean
23 any wearable instrument or device designed for hearing and any parts,
24 attachments or accessories but excluding batteries and cords or accesso-
25 ries thereto. A registered hearing aid dispenser or licensed audiologist
26 shall determine the type of device needed to correct the hearing 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 paragraph, services for recasing,
2 reshelling and acquiring new molds shall be included as part of the
3 policies.

4 (C) The insured person may choose a hearing aid exceeding the amount
5 of coverage required by this paragraph and shall be liable for the
6 difference in cost. Reimbursement shall be provided according to the
7 respective principles and policies of the health insurance plan and may
8 include such policy provisions as deductibles, coinsurance, allowable
9 charge limitations, and coordination of benefits.

10 § 2. Subsection (1) of section 3221 of the insurance law is amended by
11 adding a new paragraph 21 to read as follows:

12 (21) (A) Every small group policy that provides coverage for hospital,
13 surgical or medical care shall provide coverage for medically necessary
14 hearing aids purchased from a hearing aid dispenser registered under
15 article thirty-seven-A of the general business law or an audiologist
16 licensed under article one hundred fifty-nine of the education law in
17 the following manner:

18 (i) For an insured person sixteen years of age or older, such insured
19 person shall be entitled to reimbursement of up to three thousand
20 dollars every thirty-six months for expenses related to the purchase of
21 up to two hearing aids.

22 (ii) For an insured person who is less than sixteen years of age, such
23 insured person shall be entitled to reimbursement of up to two thousand
24 dollars every twenty-four months for expenses related to the purchase of
25 up to two hearing aids, when it is medically demonstrated that:

26 (1) the hearing of the insured person under the age of sixteen has
27 changed significantly within a two-year period; and

28 (2) the existing hearing aid will no longer correct the hearing of the
29 insured person under the age of sixteen; such person shall be entitled
30 to reimbursement for additional hearing aid expenses.

31 (B)(i) For the purposes of this paragraph, "hearing aid" shall mean
32 any wearable instrument or device designed for hearing and any parts,
33 attachments or accessories but excluding batteries and cords or accesso-
34 ries thereto. A registered hearing aid dispenser or licensed audiologist
35 shall determine the type of device needed to correct the hearing loss.

36 (ii) For the purposes of this paragraph, services for recasing,
37 reshelling and acquiring new molds shall be included as part of the
38 policies.

39 (iii) For purposes of this paragraph, "small group" shall mean a group
40 of one hundred or fewer employees or members exclusive of spouses and
41 dependents.

42 (C) The insured person may choose a hearing aid exceeding the amount
43 of coverage required by this paragraph and shall be liable for the
44 difference in cost. Reimbursement shall be provided according to the
45 respective principles and policies of the health insurance plan and may
46 include such policy provisions as deductibles, coinsurance, allowable
47 charge limitations, and coordination of benefits.

48 § 3. Section 4303 of the insurance law is amended by adding a new
49 subsection (ss) to read as follows:

50 (ss) (1) Every individual and small group contract that provides
51 coverage for hospital, surgical or medical care shall provide coverage
52 for medically necessary hearing aids purchased from a hearing aid
53 dispenser registered under article thirty-seven-A of the general busi-
54 ness law or an audiologist licensed under article one hundred fifty-nine
55 of the education law in the following manner:

1 (A) For an insured person sixteen years of age or older, such insured
2 person shall be entitled to reimbursement of up to three thousand
3 dollars every thirty-six months for expenses related to the purchase of
4 up to two hearing aids.

5 (B) For an insured person who is less than sixteen years of age, such
6 insured person shall be entitled to reimbursement of up to two thousand
7 dollars every twenty-four months for expenses related to the purchase of
8 up to two hearing aids, when it is medically demonstrated that:

9 (i) the hearing of the insured person under the age of sixteen has
10 changed significantly within a two-year period; and

11 (ii) the existing hearing aid will no longer correct the hearing of
12 the insured person under the age of sixteen; such person shall be enti-
13 tled to reimbursement for additional hearing aid expenses.

14 (2)(A) For the purposes of this subsection, "hearing aid" shall mean
15 any wearable instrument or device designed for hearing and any parts,
16 attachments or accessories but excluding batteries and cords or accesso-
17 ries thereto. A registered hearing aid dispenser or licensed audiologist
18 shall determine the type of device needed to correct the hearing loss.

19 (B) For the purposes of this subsection, services for recasing,
20 reshelling and acquiring new molds shall be included as part of the
21 policies.

22 (C) For purposes of this subsection, "small group" shall mean a group
23 of one hundred or fewer employees or members exclusive of spouses and
24 dependents.

25 (D) The insured person may choose a hearing aid exceeding the amount
26 of coverage required by this subsection and shall be liable for the
27 difference in cost. Reimbursement shall be provided according to the
28 respective principles and policies of the health insurance plan and may
29 include such policy provisions as deductibles, coinsurance, allowable
30 charge limitations, and coordination of benefits.

31 § 4. This act shall take effect on the ninetieth day after it shall
32 have become a law and shall apply according to its terms to all poli-
33 cies, contracts and certificates issued, renewed, modified, altered or
34 amended on or after such date.