STATE OF NEW YORK

5035--B

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

Introduced by M. of A. SOLAGES, RA, SAYEGH, EPSTEIN, GRIFFIN, GONZALEZ-ROJAS, GOTTFRIED, MAMDANI, LAWLER, DeSTEFANO, DICKENS, STERN, COLTON, THIELE, SILLITTI, HUNTER, FORREST, STECK, AUBRY, JACOBSON, MEEKS, LAVINE, McDONALD, HEVESI, McDONOUGH, K. BROWN -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to the mandatory coverage of hearing aids by insurers and other organizations

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 37 to read as follows:

(37) (A) As used in this paragraph, "hearing aid" shall mean a medically-prescribed, non-disposable device that is of a design and circuitry to optimize audition and listening skills in the environment commonly experienced by children.

(B) Every policy which provides hospital, medical or surgical coverage shall provide coverage for hearing aids if such hearing aids are fitted and dispensed by a licensed audiologist certified by the American Speech-Language-Hearing Association, following medical clearance by a physician licensed to practice medicine, and an audiological evaluation medically appropriate to the age of the child, provided an entity subject to this paragraph may limit the benefit payable under this paragraph to four thousand dollars per hearing aid for each hearing-impaired ear every twenty-four months.

(C) This paragraph does not prohibit an entity subject to the provisions of this paragraph from providing coverage that is greater or more favorable to an insured or enrolled individual.

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

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

(u) (1) As used in this subsection, "hearing aid" shall mean a medically-prescribed, non-disposable device that is of a design and circuitry to optimize audition and listening skills in the environment commonly experienced by children.

(2) Every policy which provides hospital, medical or surgical coverage shall provide coverage for hearing aids if such hearing aids are fitted and dispensed by a licensed audiologist certified by the American Speech-Language-Hearing Association, following medical clearance by a physician licensed to practice medicine, and an audiological evaluation medically appropriate to the age of the child, provided an entity subject to this subsection may limit the benefit payable under this subsection to four thousand dollars per hearing aid for each hearing-impaired ear every twenty-four months.

(3) This subsection does not prohibit an entity subject to the provisions of this subsection from providing coverage that is greater or more favorable to an insured or enrolled individual.

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

(tt)(1) As used in this subsection, "hearing aid" shall mean a medically-prescribed, non-disposable device that is of a design and circuitry to optimize audition and listening skills in the environment commonly experienced by children.

(2) Every policy which provides hospital, medical or surgical coverage shall provide coverage for hearing aids if such hearing aids are fitted and dispensed by a licensed audiologist certified by the American Speech-Language-Hearing Association, following medical clearance by a physician licensed to practice medicine, and an audiological evaluation medically appropriate to the age of the child, provided an entity subject to this subsection may limit the benefit payable under this subsection to four thousand dollars per hearing aid for each hearing-impaired ear every twenty-four months.

(3) This subsection does not prohibit an entity subject to the provisions of this subsection from providing coverage that is greater or more favorable to an insured or enrolled individual.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered, or amended on or after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.