

# STATE OF NEW YORK

3023

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

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

AN ACT to amend the insurance law, in relation to requiring insurance  
policies to provide coverage for medically necessary hearing aids  
purchased from hearing aid dispensers

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 39 to read as follows:

3 (39) (A) Every health insurance policy that provides medical, major  
4 medical, or similar comprehensive type coverage issued or delivered in  
5 this state shall provide coverage for medically necessary hearing aids  
6 purchased from hearing aid dispensers registered under article  
7 thirty-seven-A of the general business law or audiologists licensed  
8 under article one hundred fifty-nine of the education law for an insured  
9 person who is less than eighteen years of age. Coverage may be limited  
10 to one hearing aid per each hearing-impaired ear every twenty-four  
11 months unless it is demonstrated that: (i) the insured child's hearing  
12 has changed significantly within a two-year period; and (ii) the exist-  
13 ing hearing aid will no longer correct the child's hearing loss.

14 (B)(i) For the purposes of this paragraph, "hearing aid" shall mean  
15 any wearable instrument or devices 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 (ii) For the purposes of this section, services for recasing, reshell-  
20 ing and acquiring new molds shall be included as part of the policies.

21 (C) Coverage provided pursuant to this paragraph may be subject to  
22 deductibles, coinsurance, or copayments.

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

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

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1 (u) (1) Every group health insurance policy that provides medical,  
2 major medical, or similar comprehensive type coverage issued or deliv-  
3 ered in this state shall provide coverage for hearing aids purchased  
4 from hearing aid dispensers registered under article thirty-seven-A of  
5 the general business law or audiologists licensed under article one  
6 hundred fifty-nine of the education law for an insured person who is  
7 less than eighteen years of age. Coverage may be limited to one hearing  
8 aid per each hearing-impaired ear every twenty-four months unless it is  
9 demonstrated that: (i) the insured child's hearing has changed signif-  
10 icantly within a two-year period; and (ii) the existing hearing aid will  
11 no longer correct the child's hearing loss, such insured person shall be  
12 entitled to reimbursement for additional hearing aid expenses.

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

18 (B) For the purposes of this section, services for recasing, reshell-  
19 ing and acquiring new molds shall be included as part of the policies.

20 (3) Coverage provided pursuant to this subsection may be subject to  
21 deductibles, coinsurance, or copayments.

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

24 (uu) (1) Every contract that provides medical, major medical, or simi-  
25 lar comprehensive type coverage issued or delivered in this state by a  
26 health service corporation or hospital service corporation shall provide  
27 coverage for hearing aids purchased from hearing aid dispensers regis-  
28 tered under article thirty-seven-A of the general business law or  
29 audiologists licensed under article one hundred fifty-nine of the educa-  
30 tion law for an insured person who is less than eighteen years of age.  
31 Coverage may be limited to one hearing aid per each hearing-impaired ear  
32 every twenty-four months unless it is demonstrated that: (i) the insured  
33 child's hearing has changed significantly within a two-year period; and  
34 (ii) the existing hearing aid will no longer correct the child's hearing  
35 loss, such insured person shall be entitled to reimbursement for addi-  
36 tional hearing aid expenses.

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

42 (B) For the purposes of this section, services for recasing, reshell-  
43 ing and acquiring new molds shall be included as part of the policies.

44 (3) Coverage provided pursuant to this subsection may be subject to  
45 deductibles, coinsurance, or copayments.

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