

STATE OF NEW YORK

2561

2023-2024 Regular Sessions

IN SENATE

January 23, 2023

Introduced by Sen. HOYLMAN-SIGAL -- 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 39 to read as follows:

5 (39) (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,

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

LBD07151-01-3

1 attachments or accessories but excluding batteries and cords or accesso-
2 ries thereto.

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

5 (C) Coverage provided pursuant to this paragraph shall not be subject
6 to deductibles, coinsurance or copayments.

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

9 (u) (1) (A) Every group health insurance policy issued or delivered in
10 this state shall provide coverage for hearing aids purchased from a
11 hearing aid dispenser registered under article thirty-seven-A of the
12 general business law or an audiologist licensed under article one
13 hundred fifty-nine of the education law for an insured person who is
14 less than sixteen years of age, such insured person shall be entitled to
15 reimbursement of up to one thousand dollars for each hearing aid every
16 two years for expenses related to the purchase of up to two hearing
17 aids. When it is demonstrated that (i) the insured child's hearing has
18 changed significantly within a two year period and (ii) the existing
19 hearing aid will no longer correct the child's hearing loss, such
20 insured person shall be entitled to reimbursement for additional hearing
21 aid expenses.

22 (B) For the purposes of this subsection, the insured person shall be
23 entitled to spend more than one thousand dollars on each hearing aid,
24 but shall only be allowed reimbursement up to the amount provided in
25 subparagraph (A) of this paragraph.

26 (2)(A) For the purposes of this subsection, "hearing aid" shall mean
27 any wearable instrument or devices designed for hearing and any parts,
28 attachments or accessories but excluding batteries and cords or accesso-
29 ries thereto.

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

32 (3) Coverage provided pursuant to this subsection shall not be subject
33 to deductibles, coinsurance or copayments.

34 § 4. Section 4303 of the insurance law is amended by adding a new
35 subsection (uu) to read as follows:

36 (uu) (1) (A) Every contract issued or delivered in this state by a
37 health service corporation or hospital service corporation shall provide
38 coverage for hearing aids purchased from a hearing aid dispenser regis-
39 tered under article thirty-seven-A of the general business law or an
40 audiologist licensed under article one hundred fifty-nine of the educa-
41 tion law for an insured person who is less than sixteen years of age,
42 such insured person shall be entitled to reimbursement of up to one
43 thousand dollars for each hearing aid every two years for expenses
44 related to the purchase of up to two hearing aids. When it is demon-
45 strated that (i) the insured child's hearing has changed significantly
46 within a two year period and (ii) the existing hearing aid will no long-
47 er correct the child's hearing loss, such insured person shall be enti-
48 tled to reimbursement for additional hearing aid expenses.

49 (B) For the purposes of this subsection, the insured person shall be
50 entitled to spend more than one thousand dollars on each hearing aid,
51 but shall only be allowed reimbursement up to the amount provided in
52 subparagraph (A) of this paragraph.

53 (2)(A) For the purposes of this subsection, "hearing aid" shall mean
54 any wearable instrument or devices designed for hearing and any parts,
55 attachments or accessories but excluding batteries and cords or accesso-
56 ries thereto.

1 (B) 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 (3) Coverage provided pursuant to this subsection shall not be subject
4 to deductibles, coinsurance or copayments.

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

7 (c-1) standards requiring coverage for medically necessary hearing
8 aids in accordance with subsection (u) of section three thousand two
9 hundred twenty-one of the insurance law;

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

12 (kk) the purchase of medically necessary hearing aids from a hearing
13 aid dispenser registered under article thirty-seven-A of the general
14 business law or an audiologist licensed under article one hundred
15 fifty-nine of the education law for any child who is less than sixteen
16 years of age. Such assistance shall be limited to one thousand dollars
17 for each hearing aid every two years for up to two hearing aids.

18 § 7. This act shall take effect July 1, 2023 and sections two, three
19 and four of this act shall apply to all policies issued, modified or
20 renewed on and after such date.