

STATE OF NEW YORK

8265

2025-2026 Regular Sessions

IN SENATE

May 28, 2025

Introduced by Sen. SUTTON -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to ensuring continued access to backup devices for patients with cochlear implants

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

1 Section 1. Legislative intent. The legislature finds that cochlear
2 implants are critical for patients with hearing loss to maintain the
3 ability to hear. These devices, which are often life-changing, allow
4 individuals to improve their quality of life, integrate fully into their
5 communities, and perform daily activities. It is essential that individ-
6 uals who rely on cochlear implants have continuous access to the neces-
7 sary backup equipment to ensure uninterrupted use, including during
8 device upgrades and replacements. Currently, backup devices are provided
9 only with the initial implantation, but are not made available to
10 patients upon the upgrade or replacement of the implant after 3-5 years.
11 This bill seeks to address this gap in coverage and ensure that all
12 patients requiring cochlear implants have a backup device available
13 throughout the duration of their treatment.

14 § 2. Subsection (i) of section 3216 of the insurance law is amended by
15 adding a new paragraph 41 to read as follows:

16 (41) (A) Every policy which provides medical, major medical, or simi-
17 lar comprehensive-type coverage shall provide the coverage for cochlear
18 implants and for a backup cochlear implant device when prescribed by a
19 health care practitioner licensed, certified, or authorized under title
20 eight of the education law, and acting within their lawful scope of
21 practice and for a backup device.

22 (B) A patient receiving an upgrade or replacement of a cochlear
23 implant device shall be provided with a backup device corresponding to
24 the replacement or upgrade device. The backup device shall be provided
25 as long as the patient is actively using the cochlear implant, and for

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

LBD10291-01-5

1 the duration of the patient's need for the device, including any neces-
2 sary upgrades.

3 (C) The coverage required pursuant to this paragraph shall not be
4 subject to annual deductibles or coinsurance.

5 (D) As used in this paragraph, the following terms shall have the
6 following meanings:

7 (i) "cochlear implant" means a medical device surgically implanted to
8 provide hearing to individuals with severe to profound sensorineural
9 hearing loss; and

10 (ii) backup cochlear implant device refers to an additional set of
11 components that supports the functioning of the cochlear implant in the
12 event that the primary device fails or requires maintenance.

13 § 3. Subsection (k) of section 3221 of the insurance law is amended by
14 adding a new paragraph 24 to read as follows:

15 (24) (A) Every policy which provides medical, major medical, or simi-
16 lar comprehensive-type coverage shall provide the coverage for cochlear
17 implants and for a backup cochlear implant device when prescribed by a
18 health care practitioner licensed, certified, or authorized under title
19 eight of the education law, and acting within their lawful scope of
20 practice and for a backup device.

21 (B) A patient receiving an upgrade or replacement of a cochlear
22 implant device shall be provided with a backup device corresponding to
23 the replacement or upgrade device. The backup device shall be provided
24 as long as the patient is actively using the cochlear implant, and for
25 the duration of the patient's need for the device, including any neces-
26 sary upgrades.

27 (C) The coverage required pursuant to this paragraph shall not be
28 subject to annual deductibles or coinsurance.

29 (D) As used in this paragraph, the following terms shall have the
30 following meanings:

31 (i) "cochlear implant" means a medical device surgically implanted to
32 provide hearing to individuals with severe to profound sensorineural
33 hearing loss; and

34 (ii) backup cochlear implant device refers to an additional set of
35 components that supports the functioning of the cochlear implant in the
36 event that the primary device fails or requires maintenance.

37 § 4. Section 4303 of the insurance law is amended by adding a new
38 subsection (ww) to read as follows:

39 (ww) (1) Every policy which provides medical, major medical, or simi-
40 lar comprehensive-type coverage shall provide the coverage for cochlear
41 implants and for a backup cochlear implant device when prescribed by a
42 health care practitioner licensed, certified, or authorized under title
43 eight of the education law, and acting within their lawful scope of
44 practice and for a backup device.

45 (2) A patient receiving an upgrade or replacement of a cochlear
46 implant device shall be provided with a backup device corresponding to
47 the replacement or upgrade device. The backup device shall be provided
48 as long as the patient is actively using the cochlear implant, and for
49 the duration of the patient's need for the device, including any neces-
50 sary upgrades.

51 (3) The coverage required pursuant to this paragraph shall not be
52 subject to annual deductibles or coinsurance.

53 (4) As used in this paragraph, the following terms shall have the
54 following meanings:

1 (A) "cochlear implant" means a medical device surgically implanted to
2 provide hearing to individuals with severe to profound sensorineural
3 hearing loss; and

4 (B) backup cochlear implant device refers to an additional set of
5 components that supports the functioning of the cochlear implant in the
6 event that the primary device fails or requires maintenance.

7 § 5. Severability. If any clause, sentence, paragraph, subdivision,
8 section or part of this act shall be adjudged by any court of competent
9 jurisdiction to be invalid, such judgment shall not affect, impair, or
10 invalidate the remainder thereof, but shall be confined in its operation
11 to the clause, sentence, paragraph, subdivision, section or part thereof
12 directly involved in the controversy in which such judgment shall have
13 been rendered. It is hereby declared to be the intent of the legislature
14 that this act would have been enacted even if such invalid provisions
15 had not been included herein.

16 § 6. This act shall take effect on the one hundred eightieth day after
17 it shall have become a law and shall apply to all policies and contracts
18 issued, renewed, modified, altered or amended on or after such date.
19 Effective immediately, the addition, amendment and/or repeal of any rule
20 or regulation necessary for the implementation of this act on its effec-
21 tive date are authorized to be made and completed on or before such
22 effective date.