

# STATE OF NEW YORK

6314--A

2025-2026 Regular Sessions

## IN ASSEMBLY

March 4, 2025

Introduced by M. of A. WIEDER, WOERNER, PAULIN, MAGNARELLI, EICHENSTEIN, TAYLOR, TORRES, KAY, WEPRIN, WRIGHT, BENEDETTO, RAJKUMAR, LAVINE, HEVESI, WILLIAMS, ROZIC, BURDICK, R. CARROLL, SAYEGH, COLTON, ZACCARO, YEGER, BORES, LEVENBERG, KASSAY, LUNSFORD, P. CARROLL, EACHUS, E. BROWN -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 (k) of section 3221 of the insurance law is amended  
15 by adding a new paragraph 24 to read as follows:

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

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

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1 (B) Coverage of the backup device shall be provided as long as the  
2 insured is actively using the cochlear implant, and for the duration of  
3 the insured's need for the device, including any necessary upgrades.

4 (C) The coverage provided under this paragraph may be subject to annu-  
5 al deductibles, copayments and coinsurance as may be deemed appropriate  
6 by the superintendent and shall be consistent with those imposed on  
7 other similar benefits under the policy.

8 (D) For the purposes of this paragraph:

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

12 (ii) "backup cochlear implant device" means an additional set of  
13 external components of the cochlear implant, including a processor, in  
14 the event that the primary device fails or requires maintenance.

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

17 (ww) (1) Every large group policy which provides medical, major  
18 medical, or similar comprehensive-type coverage shall provide the cover-  
19 age for a backup cochlear implant device when prescribed by a health  
20 care practitioner licensed, certified, or authorized under title eight  
21 of the education law, and acting within their lawful scope of practice.

22 (2) Coverage of the backup device shall be provided as long as the  
23 insured is actively using the cochlear implant, and for the duration of  
24 the insured's need for the device, including any necessary upgrades.

25 (3) The coverage required under this subsection shall be subject to  
26 annual deductibles, copayments and coinsurance as may be deemed appro-  
27 priate by the superintendent and shall be consistent with those imposed  
28 on other similar benefits under the contract.

29 (4) For the purposes of this subsection:

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

33 (B) "backup cochlear implant device" means an additional set of  
34 external components of the cochlear implant, including a processor, in  
35 the event that the primary device fails or requires maintenance.

36 § 4. Severability. If any clause, sentence, paragraph, subdivision,  
37 section or part of this act shall be adjudged by any court of competent  
38 jurisdiction to be invalid, such judgment shall not affect, impair, or  
39 invalidate the remainder thereof, but shall be confined in its operation  
40 to the clause, sentence, paragraph, subdivision, section or part thereof  
41 directly involved in the controversy in which such judgment shall have  
42 been rendered. It is hereby declared to be the intent of the legislature  
43 that this act would have been enacted even if such invalid provisions  
44 had not been included herein.

45 § 5. This act shall take effect January 1, 2027 and shall apply to all  
46 policies and contracts issued, renewed, modified, altered or amended on  
47 or after such date.