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:

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

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

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

(B) A patient receiving an upgrade or replacement of a cochlear implant device shall be provided with a backup device corresponding to the replacement or upgrade device. The backup device shall be provided 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.

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the duration of the patient's need for the device, including any necessary upgrades.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 6. This act shall take effect on the one hundred eightieth day after 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 effective date.