

STATE OF NEW YORK

8265--A

2025-2026 Regular Sessions

IN SENATE

May 28, 2025

Introduced by Sens. SUTTON, GOUNARDES, MYRIE, WEBER -- read twice and ordered printed, and when printed to be committed 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.

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

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

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

5 (D) For the purposes of this paragraph:

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

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

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

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

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

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

26 (4) For the purposes of this subsection:

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

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

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

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