SENATE DOCKET, NO. 1856 FILED ON: 1/21/2011

SENATE . . . . . No. 426

The Commonwealth of Massachusetts

PRESENTED BY:

John Hart, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act providing coverage for hearing aids..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John Hart, Jr.	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 1856 FILED ON: 1/21/2011

SENATE . . . . . No. 426

By Mr. Hart, a petition (accompanied by bill, Senate, No. 426) of John Hart, Jr. for legislation to provide coverage for hearing aids. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *473* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act providing coverage for hearing aids..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17G, as inserted by section 1 of chapter 81 of the acts of 2000, the following section:-

Section 17H. (a) For purposes of this section, the following words shall have the following meanings:

"Hard of hearing", hard of hearing as defined in section 191 of chapter 6 of the General Laws.

"Hearing instrument specialist", a hearing instrument specialist as defined in section 196 of chapter 112 of the General Laws.

"Hearing aid", a hearing aid as defined in section 196 of chapter 112 of the General Laws. SECTION 2. Section 19 of said chapter 152, as so appearing, is hereby amended

"Out-of-network provider", a health care provider that does not have a contract with the insurer.

(b) The commission shall provide to any active or retired employee of the commonwealth who is insured under the group insurance commission coverage for two hearing aids every three years, unless an employee voluntarily obtains such hearing aids from an out-of-network health

16 care provider, if any. Hearing aid coverage pursuant to this section shall not exceed an amount of
17 $2,000 for each three-year period.

18 (c) Nothing in this section shall prohibit the commission from offering greater coverage
19 for hearing aids than that required by this section.

20 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
21 section 47U, as inserted by section 8 of chapter 141 of the acts of 2000, the following section:-

22 Section 47V. (a) For purposes of this section, the following words shall have the
23 following meanings:

24 "Hard of hearing", hard of hearing as defined in section 191 of chapter 6 of the General
25 Laws.

26 "Hearing instrument specialist", a hearing instrument specialist as defined in section 196
27 of chapter 112 of the General Laws.

28 "Hearing aid", a hearing aid as defined in section 196 of chapter 112 of the General
29 Laws.

30 "Out-of-network provider", a health provider that does not have a contract with the
31 insurer.

32 (b) Any policy of accident and sickness insurance as described in section 108 which
33 provides hospital expense and surgical expense insurance and which is delivered, issued or
34 subsequently renewed by agreement between the insurer and policyholder in the commonwealth;
35 any blanket or general policy of insurance described in subdivision (A), (C) or (D) of section 110
36 which provides hospital expense and surgical expense insurance and which is delivered, issued
37 or subsequently renewed by agreement between the insurer and the policyholder, within or
38 without the commonwealth; or any employees' health and welfare fund which provides hospital
39 expense and surgical expense benefits and which is delivered, issued or renewed to any person or
40 group of persons in the commonwealth, shall provide coverage for two hearing aids every three
41 years, unless a policyholder voluntarily obtains such hearing aids from an out-of-network health
42 care provider, if any. Hearing aid coverage pursuant to this section shall not exceed an amount of
43 $2,000 for each three-year period.

44 (c) Nothing in this section shall prohibit an insurer from offering greater coverage for
45 hearing aids than that required by this section.

46 SECTION 3. The third paragraph of section 110E of said chapter 175 is hereby amended
47 by inserting after clause (16) the following clause:-

48 (17) An insurer's written statement purporting to offer insurance coverage for durable
49 medical equipment without specifically stating any exclusions, including but not limited to
50 exclusions for hearing aids, shall be considered misleading for purposes of this section.

51 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after
52 section 8U, as inserted by section 14 of chapter 141 of the acts of 2000, the following section:-

53 Section 8V. (a) For purposes of this section, the following words shall have the following
54 meanings:

55 "Hard of hearing", hard of hearing as defined in section 191 of chapter 6 of the General
56 Laws.

57 "Hearing instrument specialist", a hearing instrument specialist as defined in section 196
58 of chapter 112 of the General Laws.

59 "Hearing aid", a hearing aid as defined in section 196 of chapter 112 of the General
60 Laws.

61 "Out-of-network provider", a health provider that does not have a contract with the
62 insurer.

63 (b) Any contracts, except contracts providing supplemental coverage to Medicare or other
64 governmental programs, between a subscriber and the corporation under an individual or group
65 hospital service plan which is delivered, issued or renewed in the commonwealth shall provide as
66 benefits to all individual subscribers or members within the commonwealth and to all group
67 members having a principal place of employment within the commonwealth, coverage for
68 expenses incurred for two hearing aids every three years, unless a subscriber voluntarily obtains
69 such hearing aids from an out-of-network health care provider, if any. Hearing aid coverage
70 pursuant to this section shall not exceed an amount of $2,000 for each three-year period.

71 (c) Nothing in this section shall prohibit a corporation from offering greater coverage for
72 hearing aids than that required by this section.

73 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after
74 section 4U, as inserted by section 15 of chapter 141 of the acts of 2000, the following section:-

75 Section 4V. (a) For purposes of this section, the following words shall have the following
76 meanings:

77 "Hard of hearing", hard of hearing as defined in section 191 of chapter 6 of the General
78 Laws.

79 "Hearing instrument specialist", a hearing instrument specialist as defined in section 196
80 of chapter 112 of the General Laws.

81 "Hearing aid", a hearing aid as defined in section 196 of chapter 112 of the General
82 Laws.

83 "Out-of-network provider", a health provider that does not have a contract with the
84 insurer.

85 (b) Any subscription certificate under an individual or group medical service agreement,
86 except certificates which provide supplemental coverage to Medicare or other governmental
87 programs, that shall be delivered, issued or renewed within the commonwealth shall provide as
88 benefits to all individual subscribers or members within the commonwealth and to all group
89 members having a principal place of employment in the commonwealth, coverage for expenses
90 incurred for two hearing aids every three years, unless a subscriber or member voluntarily
91 obtains such hearing aids from an out-of-network health care provider, if any. Hearing aid
92 coverage pursuant to this section shall not exceed an amount of $2,000 for each three-year
93 period.

94 (c) Nothing in this section shall prohibit a medical service corporation from offering
95 greater coverage for hearing aids than that required by this section.

96 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after
97 section 4M, as inserted by section 10 of chapter 80 of the acts of 2000, the following section:-

98 Section 4N. (a) For purposes of this section, the following words shall have the following
99 meanings:

100 "Hard of hearing", hard of hearing as defined in section 191 of chapter 6 of the General
101 Laws.

102 "Hearing instrument specialist", a hearing instrument specialist as defined in section 196
103 of chapter 112 of the General Laws.

104 "Hearing aid", a hearing aid as defined in section 196 of chapter 112 of the General
105 Laws.

106 "Out-of-network provider", a health provider that does not have a contract with the
107 insurer.

108 (b) An individual or group health maintenance contract shall provide coverage and
109 benefits for expenses incurred for two hearing aids every three years, unless a member
110 voluntarily obtains such hearing aids from an out-of-network health care provider, if any.
111 Hearing aid coverage pursuant to this section shall not exceed an amount of $2,000 for each
112 three-year period.

113 (c) Nothing in this section shall prohibit a health maintenance organization from offering
114 greater coverage for hearing aids than that required by this section.

115 SECTION 7. Pursuant to sections 191 to 199, inclusive, of chapter 6 of the General
116 Laws, the Massachusetts Commission for the Deaf and Hard of Hearing shall consult with the
117 Commissioner of Insurance to ensure that sections 1 to 6 of this act are enforced.