

House Bill 74

By: Representatives Lindsey of the 54th, Holt of the 112th, Glanton of the 75th, Dickson of the 6th, Benton of the 31st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating
2 generally to insurance, so as to provide for a short title and findings; to require health plans
3 to provide coverage for hearing aids for certain individuals; to provide for the frequency of
4 replacement of hearing aids; to provide for coverage of services and supplies; to provide
5 options for higher priced devices; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to
10 insurance, is amended by adding a new Code section to read as follows:

11 "33-24-59.16.

12 (a) This Code section shall be known and may be cited as the 'Hearing Aid Coverage for
13 Children Act.'

14 (b) The General Assembly finds and declares that:

15 (1) The language development of children with partial or total hearing loss may be
16 impaired due to the hearing loss. Children learn the concept of spoken language through
17 auditory stimuli, and the language skills of children who have hearing loss improve when
18 they are provided with hearing aids and access to visual language upon the discovery of
19 hearing loss; and

20 (2) Providing hearing aids to children with hearing loss will reduce the costs borne by
21 this state, including special education, alternative treatments that would otherwise be
22 necessary if a hearing aid were not provided, and other costs associated with such hearing
23 loss.

24 (c) As used in this Code section, the term:

25 (1) 'Health benefit policy' means any individual or group plan, policy, or contract for
26 health care services issued, delivered, issued for delivery, or renewed in this state which

27 provides major medical benefits, including those contracts executed by the State of
28 Georgia on behalf of indigents and on behalf of state employees under Article 1 of
29 Chapter 18 of Title 45, by a health care corporation, health maintenance organization,
30 preferred provider organization, accident and sickness insurer, fraternal benefit society,
31 hospital service corporation, medical service corporation, or any similar entity and any
32 self-insured health care plan not subject to the exclusive jurisdiction of the Employee
33 Retirement Income Security Act of 1974, 29 U.S.C. Section 1001, et seq.

34 (2) 'Hearing aid' means any nonexperimental and wearable instrument or device offered
35 to aid or compensate for impaired human hearing that is worn in or on the body. The
36 term 'hearing aid' includes any parts, ear molds, repair parts, and replacement parts of this
37 instrument or device, including, but not limited to, nonimplanted bone anchored hearing
38 aids, nonimplanted bone conduction hearing aids, and frequency modulation systems.
39 Personal Sound Amplification Products (PSAPs) shall not qualify as hearing aids.

40 (d) Every health benefit policy that is delivered, issued, executed, or renewed in this state
41 or approved for issuance or renewal in this state by the Commissioner on or after
42 July 1, 2013, shall provide coverage for the full cost of one hearing aid per hearing
43 impaired ear subject to a \$2,500.00 minimum and up to \$3,000.00 per hearing aid for
44 covered individuals 22 years of age or under. Such coverage shall provide the replacement
45 for one hearing aid per hearing impaired ear every 36 months for covered individuals. This
46 subsection shall not prohibit an entity subject to this Code section from providing coverage
47 that is greater or more favorable to an insured or enrolled individual than the coverage
48 required under this Code section.

49 (e) In the event that a hearing aid or aids cannot adequately meet the needs of the covered
50 individual and the hearing aid or aids cannot be adequately repaired or adjusted, the hearing
51 aid or aids shall be replaced. Coverage for the replacement shall be offered within two
52 months from the date it is determined that the aid or aids cannot be repaired or adjusted.

53 (f) The coverage provided by this Code section shall include the following:

54 (1) Services and supplies, including, but not limited to, the initial hearing aid evaluation,
55 fitting, dispensing, programming, servicing, repairs, follow-up maintenance, adjustments,
56 ear molds, ear mold impressions, auditory training, and probe microphone measurements
57 to ensure appropriate gain and output, as well as verifying benefit from the system
58 selected according to accepted professional standards. Such services shall be covered on
59 a continuous basis, as needed during each 36 month coverage period or for the duration
60 of the hearing aid warranty, whichever time period is longer;

61 (2) An option for the covered individual to choose a higher priced hearing aid or aids and
62 to pay the difference between the price of the hearing aid and the benefit amount as

63 referenced in subsection (d), without financial or contractual penalty to the insured or to
64 the provider of the hearing aid; and
65 (3) An option for the covered individual to purchase his or her hearing aid or aids
66 through any licensed audiologist or licensed hearing aid dealer or dispenser in this state.
67 (g) A health insurance plan may not deny or refuse coverage of, refuse to contract with,
68 or refuse to renew or reissue or otherwise terminate or restrict coverage of a covered
69 individual solely because he or she is or has been previously diagnosed with hearing loss.
70 (h) The benefits covered under this Code section shall be subject to the same annual
71 deductible, coinsurance or copayment, or utilization review applicable to other similar
72 covered benefits under the health benefit policy."

73 **SECTION 2.**

74 All laws and parts of laws in conflict with this Act are repealed.