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HOUSE BILL 85

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Jeannette O. Wallace

AN ACT

RELATING TO INSURANCE; REQUIRING INSURANCE COVERAGE FOR HEARING AIDS FOR ELIGIBLE CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Health Care Purchasing Act is enacted to read:

"~~[NEW MATERIAL]~~ HEARING AID COVERAGE FOR CHILDREN REQUIRED.--

A. Group health care coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall provide coverage for a hearing aid and any related service for the full cost of one hearing aid per hearing-impaired ear up to two thousand two hundred dollars (\$2,200) every thirty-six months for hearing aids for insured children under eighteen years of age or under twenty-one years

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1 of age if still attending high school. The insured may choose  
2 a higher priced hearing aid and may pay the difference in cost  
3 above the two-thousand-two-hundred-dollar (\$2,200) limit as  
4 provided in this subsection without financial or contractual  
5 penalty to the insured or to the provider of the hearing aids.

6 B. Each insurer that delivers, issues for delivery  
7 or renews under the Health Care Purchasing Act any group health  
8 care coverage, including any form of self-insurance, shall make  
9 available to the policyholder the option of purchasing  
10 additional hearing aid coverage that exceeds the services  
11 described in this section.

12 C. Hearing aid coverage offered shall include  
13 fitting and dispensing services, including providing ear molds  
14 as necessary to maintain optimal fit, provided by an  
15 audiologist, a hearing aid dispenser or a physician, licensed  
16 in New Mexico.

17 D. The provisions of this section do not apply to  
18 short-term travel, accident-only or limited or specified  
19 disease policies.

20 E. Coverage for hearing aids may be subject to  
21 deductibles and coinsurance consistent with those imposed on  
22 other benefits under the same group health care coverage,  
23 including any form of self-insurance.

24 F. For the purposes of this section, "hearing aid"  
25 means durable medical equipment that is of a design and

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1 circuitry to optimize audibility and listening skills in the  
2 environment commonly experienced by children."

3 Section 2. A new section of the New Mexico Insurance  
4 Code, Section 59A-22-34.5 NMSA 1978, is enacted to read:

5 "59A-22-34.5. [NEW MATERIAL] HEARING AID COVERAGE FOR  
6 CHILDREN REQUIRED.--

7 A. An individual or group health insurance policy,  
8 health care plan or certificate of health insurance that is  
9 delivered, issued for delivery or renewed in this state shall  
10 provide coverage for a hearing aid and any related service for  
11 the full cost of one hearing aid per hearing-impaired ear up to  
12 two thousand two hundred dollars (\$2,200) every thirty-six  
13 months for hearing aids for insured children under eighteen  
14 years of age or under twenty-one years of age if still  
15 attending high school. The insured may choose a higher priced  
16 hearing aid and may pay the difference in cost above the two-  
17 thousand-two-hundred-dollar (\$2,200) limit as provided in this  
18 subsection without financial or contractual penalty to the  
19 insured or to the provider of the hearing aid.

20 B. An insurer that delivers, issues for delivery or  
21 renews in this state an individual or group health insurance  
22 policy, health care plan or certificate of health insurance  
23 shall make available to the policyholder the option of  
24 purchasing additional hearing aid coverage that exceeds the  
25 services described in this section.

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1           C. Hearing aid coverage offered shall include  
2 fitting and dispensing services, including providing ear molds  
3 as necessary to maintain optimal fit, provided by an  
4 audiologist, a hearing aid dispenser or a physician, licensed  
5 in New Mexico.

6           D. The provisions of this section do not apply to  
7 short-term travel, accident-only or limited or specified  
8 disease policies.

9           E. Coverage for hearing aids may be subject to  
10 deductibles and coinsurance consistent with those imposed on  
11 other benefits under the same policy, plan or certificate.

12           F. For the purposes of this section, "hearing aid"  
13 means durable medical equipment that is of a design and  
14 circuitry to optimize audibility and listening skills in the  
15 environment commonly experienced by children."

16           Section 3. A new section of the New Mexico Insurance  
17 Code, Section 59A-23-7.6 NMSA 1978, is enacted to read:

18           "59A-23-7.6. [NEW MATERIAL] HEARING AID COVERAGE FOR  
19 CHILDREN REQUIRED.--

20           A. A blanket or group health insurance policy,  
21 health care plan or certificate of health insurance that is  
22 delivered, issued for delivery or renewed in this state shall  
23 provide coverage for a hearing aid and any related service for  
24 the full cost of one hearing aid per hearing-impaired ear up to  
25 two thousand two hundred dollars (\$2,200) every thirty-six

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1 months for hearing aids for insured children under eighteen  
2 years of age or under twenty-one years of age if still  
3 attending high school. The insured may choose a higher priced  
4 hearing aid and may pay the difference in cost above the two-  
5 thousand-two-hundred-dollar (\$2,200) limit as provided in this  
6 subsection without financial or contractual penalty to the  
7 insured or to the provider of the hearing aid.

8 B. An insurer that delivers, issues for delivery or  
9 renews in this state a blanket or group health insurance  
10 policy, health care plan or certificate of health insurance  
11 shall make available to the policyholder the option of  
12 purchasing additional hearing aid coverage that exceeds the  
13 services described in this section.

14 C. Hearing aid coverage offered shall include  
15 fitting and dispensing services, including providing ear molds  
16 as necessary to maintain optimal fit, provided by an  
17 audiologist, a hearing aid dispenser or a physician, licensed  
18 in New Mexico.

19 D. The provisions of this section do not apply to  
20 short-term travel, accident-only or limited or specified  
21 disease policies.

22 E. Coverage for hearing aids may be subject to  
23 deductibles and coinsurance consistent with those imposed on  
24 other benefits under the same policy, plan or certificate.

25 F. For the purposes of this section, "hearing aid"

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1 means durable medical equipment that is of a design and  
2 circuitry to optimize audibility and listening skills in the  
3 environment commonly experienced by children."

4 Section 4. A new section of the New Mexico Insurance  
5 Code, Section 59A-46-38.5 NMSA 1978, is enacted to read:

6 "59A-46-38.5. [NEW MATERIAL] HEARING AID COVERAGE FOR  
7 CHILDREN REQUIRED.--

8 A. An individual or group health maintenance  
9 organization contract delivered, issued for delivery or renewed  
10 in this state shall provide coverage for a hearing aid and any  
11 related service for the full cost of one hearing aid per  
12 hearing-impaired ear up to two thousand two hundred dollars  
13 (\$2,200) every thirty-six months for hearing aids for insured  
14 children under eighteen years of age or under twenty-one years  
15 of age if still attending high school. The insured may choose  
16 a higher priced hearing aid and may pay the difference in cost  
17 above the two-thousand-two-hundred-dollar (\$2,200) limit as  
18 provided in this subsection without financial or contractual  
19 penalty to the insured or to the provider of the hearing aid.

20 B. An insurer that delivers, issues for delivery or  
21 renews in this state an individual or group health maintenance  
22 organization contract shall make available to the policyholder  
23 the option of purchasing additional hearing aid coverage that  
24 exceeds the services described in this section.

25 C. Hearing aid coverage offered shall include

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1 fitting and dispensing services, including providing ear molds  
2 as necessary to maintain optimal fit, provided by an  
3 audiologist, a hearing aid dispenser or a physician, licensed  
4 in New Mexico.

5 D. The provisions of this section do not apply to  
6 short-term travel, accident-only or limited or specified  
7 disease policies.

8 E. Coverage for hearing aids may be subject to  
9 deductibles and coinsurance consistent with those imposed on  
10 other benefits under the same policy, plan or certificate.

11 F. For the purposes of this section, "hearing aid"  
12 means durable medical equipment that is of a design and  
13 circuitry to optimize audibility and listening skills in the  
14 environment commonly experienced by children."

15 Section 5. A new section of the New Mexico Insurance  
16 Code, Section 59A-47-37.1 NMSA 1978, is enacted to read:

17 "59A-47-37.1. [NEW MATERIAL] HEARING AID COVERAGE FOR  
18 CHILDREN REQUIRED.--

19 A. An individual or group health insurance policy,  
20 health care plan or certificate of health insurance delivered  
21 or issued for delivery in this state shall provide coverage for  
22 a hearing aid and any related service for the full cost of one  
23 hearing aid per hearing-impaired ear up to two thousand two  
24 hundred dollars (\$2,200) every thirty-six months for hearing  
25 aids for insured children under eighteen years of age or under

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1 twenty-one years of age if still attending high school. The  
2 insured may choose a higher priced hearing aid and may pay the  
3 difference in cost above the two-thousand-two-hundred-dollar  
4 (\$2,200) limit as provided in this subsection without financial  
5 or contractual penalty to the insured or to the provider of the  
6 hearing aid.

7 B. An insurer that delivers, issues for delivery or  
8 renews in this state an individual or group health insurance  
9 policy, health care plan or certificate of health insurance  
10 shall make available to the policyholder the option of  
11 purchasing additional hearing aid coverage that exceeds the  
12 services described in this section.

13 C. Hearing aid coverage offered shall include  
14 fitting and dispensing services, including providing ear molds  
15 as necessary to maintain optimal fit, provided by an  
16 audiologist, a hearing aid dispenser or a physician, licensed  
17 in New Mexico.

18 D. The provisions of this section do not apply to  
19 short-term travel, accident-only or limited or specified  
20 disease policies.

21 E. Coverage for hearing aids may be subject to  
22 deductibles and coinsurance consistent with those imposed on  
23 other benefits under the same policy, plan or certificate.

24 F. For the purposes of this section, "hearing aid"  
25 means durable medical equipment that is of a design and

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1 circuitry to optimize audibility and listening skills in the  
2 environment commonly experienced by children."

3 Section 6. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2007.

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