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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:

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

B. Each insurer that delivers, issues for delivery  
or renews under the Health Care Purchasing Act any group  
health care coverage, including any form of self-insurance,  
may make available to the policyholder the option of

1 purchasing additional hearing aid coverage that exceeds the  
2 services described in this section.

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

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

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

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

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

21 "59A-22-34.5. HEARING AID COVERAGE FOR CHILDREN  
22 REQUIRED.--

23 A. An individual or group health insurance policy,  
24 health care plan or certificate of health insurance that is  
25 delivered, issued for delivery or renewed in this state shall

1 provide coverage for a hearing aid and any related service  
2 for the full cost of one hearing aid per hearing-impaired ear  
3 up to two thousand two hundred dollars (\$2,200) every  
4 thirty-six months for hearing aids for insured children under  
5 eighteen years of age or under twenty-one years of age if  
6 still attending high school. The insured may choose a higher  
7 priced hearing aid and may pay the difference in cost above  
8 the two-thousand-two-hundred-dollar (\$2,200) limit as  
9 provided in this subsection without financial or contractual  
10 penalty to the insured or to the provider of the hearing aid.

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

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

22 D. The provisions of this section do not apply to  
23 short-term travel, accident-only or limited or specified  
24 disease policies.

25 E. Coverage for hearing aids may be subject to

1 deductibles and coinsurance consistent with those imposed on  
2 other benefits under the same policy, plan or certificate.

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

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

9 "59A-23-7.6. HEARING AID COVERAGE FOR CHILDREN  
10 REQUIRED.--

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

24 B. An insurer that delivers, issues for delivery  
25 or renews in this state a blanket or group health insurance

1 policy, health care plan or certificate of health insurance  
2 may make available to the policyholder the option of  
3 purchasing additional hearing aid coverage that exceeds the  
4 services described in this section.

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

10 D. The provisions of this section do not apply to  
11 short-term travel, accident-only or limited or specified  
12 disease policies.

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

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

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

22 "59A-46-38.5. HEARING AID COVERAGE FOR CHILDREN  
23 REQUIRED.--

24 A. An individual or group health maintenance  
25 organization contract delivered, issued for delivery or

1 renewed in this state shall provide coverage for a hearing  
2 aid and any related service for the full cost of one hearing  
3 aid per hearing-impaired ear up to two thousand two hundred  
4 dollars (\$2,200) every thirty-six months for hearing aids for  
5 insured children under eighteen years of age or under  
6 twenty-one years of age if still attending high school. The  
7 insured may choose a higher priced hearing aid and may pay  
8 the difference in cost above the  
9 two-thousand-two-hundred-dollar (\$2,200) limit as provided in  
10 this subsection without financial or contractual penalty to  
11 the insured or to the provider of the hearing aid.

12 B. An insurer that delivers, issues for delivery  
13 or renews in this state an individual or group health  
14 maintenance organization contract may make available to the  
15 policyholder the option of purchasing additional hearing aid  
16 coverage that exceeds the services described in this section.

17 C. Hearing aid coverage offered shall include  
18 fitting and dispensing services, including providing ear  
19 molds as necessary to maintain optimal fit, provided by an  
20 audiologist, a hearing aid dispenser or a physician, licensed  
21 in New Mexico. A health maintenance organization has the  
22 discretion to determine the provider of hearing aids with  
23 which it contracts. Nothing in this section shall be  
24 construed to preclude a health maintenance organization from  
25 conducting medical necessity or utilization review for

1 hearing aids and related services.

2 D. The provisions of this section do not apply to  
3 short-term travel, accident-only or limited or specified  
4 disease policies.

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

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

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

14 "59A-47-37.1. HEARING AID COVERAGE FOR CHILDREN  
15 REQUIRED.--

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

1 two-thousand-two-hundred-dollar (\$2,200) limit as provided in  
2 this subsection without financial or contractual penalty to  
3 the insured or to the provider of the hearing aid.

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

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

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

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

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

25 Section 6. EFFECTIVE DATE.--The effective date of the



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provisions of this act is July 1, 2007. \_\_\_\_\_