

HOUSE No. 52

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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 adoption of the accompanying bill:

An Act to provide access to hearing aids for children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/19/2011</i>
<i>Stephen M. Brewer</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/1/2011</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>2/1/2011</i>
<i>Rhonda Nyman</i>	<i>5th Plymouth</i>	<i>2/3/2011</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>2/3/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/3/2011</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>2/3/2011</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/24/2011</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/20/2011</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/21/2011</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/4/2011</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>2/4/2011</i>
<i>Richard T. Moore</i>		<i>1/31/2011</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/3/2011</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/22/2011</i>
<i>Eileen M. Donoghue</i>		<i>2/4/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/19/2011</i>

<i>Linda Campbell</i>	<i>15th Essex</i>	<i>1/24/2011</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/26/2011</i>
<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>	<i>1/25/2011</i>
<i>David M. Torrasi</i>	<i>14th Essex</i>	<i>1/21/2011</i>
<i>Michael O. Moore</i>		<i>1/28/2011</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>	<i>1/28/2011</i>
<i>Susan C. Fargo</i>		<i>2/1/2011</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>2/1/2011</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>	<i>2/3/2011</i>
<i>William N. Brownsberger</i>		<i>2/3/2011</i>
<i>Stephen R. Canessa</i>	<i>12th Bristol</i>	<i>2/2/2011</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>2/2/2011</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/3/2011</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>	<i>2/3/2011</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>2/3/2011</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>2/2/2011</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/3/2011</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/3/2011</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>2/2/2011</i>
<i>Thomas P. Kennedy</i>		<i>2/3/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/3/2011</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>	<i>2/2/2011</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/3/2011</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>2/3/2011</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2011</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>2/2/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2011</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>	<i>2/3/2011</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>2/3/2011</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>2/3/2011</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2011</i>
<i>Geraldine M. Creedon</i>	<i>11th Plymouth</i>	<i>2/3/2011</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/3/2011</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>	<i>2/3/2011</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>2/3/2011</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>	<i>2/3/2011</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2011</i>
<i>James B. Eldridge</i>		<i>2/3/2011</i>

<i>Ryan C. Fattman</i>	<i>18th Worcester</i>	<i>2/3/2011</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>2/3/2011</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>2/4/2011</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>	<i>2/4/2011</i>
<i>Sonia Chang-Diaz</i>		<i>2/4/2011</i>
<i>Cynthia S. Creem</i>		<i>2/4/2011</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>	<i>2/4/2011</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/4/2011</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/4/2011</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/4/2011</i>
<i>John D. Keenan</i>	<i>7th Essex</i>	<i>2/4/2011</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	<i>2/4/2011</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/4/2011</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/4/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>2/4/2011</i>

HOUSE No. 52

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 52) of Sean Garballey and others providing access to hearing aids for children. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to provide access to hearing aids for children.

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

1 Section 23 of chapter 32A of the General Laws, as appearing in the 2000 Official Edition,
2 is hereby amended by adding the following paragraph:-

3 The commission shall provide to any minor 21 years of age or younger who is the child
4 of an

5 active or retired employee of the commonwealth and who is insured under the group
6 insurance

7 commission coverage for the full cost of one (1) hearing aid per hearing-impaired ear up
8 to two thousand dollars (\$2,000) for each hearing aid, as defined in section 196 of chapter 112,
9 every 36 months upon a written statement from such minor’s treating physician that the hearing
10 aids are medically necessary. Coverage under this section shall include all related services
11 prescribed by a licensed audiologist or hearing instrument specialist, as defined in that section,
12 including the initial hearing aid evaluation, fitting and adjustments, and supplies, including ear

13 molds. The insured may choose a higher priced hearing aid and may pay the difference in cost
14 above the two thousand dollar (\$2,000) limit as provided in this section without any financial or
15 contractual penalty to the insured or to the provider of the hearing aid. The benefits in this
16 section shall not be subject to any greater deductible, coinsurance, copayments or out-of-pocket
17 limits than any other benefits provided by the insurer. Nothing in this section shall prohibit the
18 commission from offering greater coverage for hearing aids than that required by this section.
19 This section shall also require coverage for such hearing aids under any non-group policy.

20 SECTION 2. Section 47U of chapter 175 of the General Laws, as so appearing, is hereby
21 amended by adding the following paragraph:-

22 Any policy of accident and sickness insurance as described in section 108 which provides
23 hospital expense and surgical expense insurance and which is delivered, issued or
24 subsequently

25 renewed by agreement between the insurer and policyholder in the commonwealth; any
26 blanket

27 or general policy of insurance described in subdivision (A), (C) or (D) of section 110
28 which

29 provides hospital expense and surgical expense insurance and which is delivered, issued
30 or

31 subsequently renewed by agreement between the insurer and the policyholder, within or
32 without

33 the commonwealth; or any employees' health and welfare fund which provides hospital
34 expense
35 and surgical expense benefits and which is delivered, issued or renewed to any person or
36 group
37 of persons in the commonwealth, shall provide coverage for any minor child 21 years of
38 age or
39 younger, who is insured under the policy or fund, for the full cost of one (1) hearing aid
40 per
41 hearing impaired ear up to two thousand dollars (\$2,000) for each hearing aid, as
42 defined under section 196 of chapter 112, every 36 months upon a written statement from
43 such
44 minor's treating physician that the hearing aids are medically necessary. Coverage under
45 this section shall include all related services prescribed by a licensed audiologist or hearing
46 instrument specialist, as defined in that section, including the initial hearing aid evaluation,
47 fitting and adjustments, and supplies, including ear molds. The insured may choose
48 a higher priced hearing aid and may pay the difference in cost above the two thousand
49 dollar (\$2,000) limit as provided in this section without any financial or contractual penalty to
50 the insured or to the provider of the hearing aid. The benefits in this section shall not be subject
51 to any greater deductible, coinsurance, copayments or out-of-pocket limits than any other
52 benefits provided by the insurer. Nothing in this section shall prohibit an insurer from offering

53 greater coverage for hearing aids than that required by this section. This section shall also require
54 coverage for such hearing aids under any non-group policy.

55 SECTION 3. Section 8U of chapter 176A of the General Laws, as so appearing, is hereby
56 amended by adding the following paragraph:-

57 Any contracts, except contracts providing supplemental coverage to Medicare or other
58 governmental programs, between a subscriber and the corporation under an individual or
59 group

60 hospital service plan which is delivered, issued or renewed in the commonwealth shall
61 provide as

62 benefits to all individual subscribers or members within the commonwealth and to all
63 group

64 members having a principal place of employment within the commonwealth, coverage
65 for their

66 minor children 21 years of age or younger, who are insured under such contracts or plans,
67 for the full cost of one (1) hearing aid per hearing impaired ear up to two thousand dollars
68 (\$2,000) for each hearing aid, as defined under section 196 of chapter 112, every 36 months
69 upon a written statement from such minor's treating physician that the hearing aids are medically
70 necessary. Coverage under this section shall include all related services prescribed by a licensed
71 audiologist or hearing instrument specialist, as defined in that section, including the initial
72 hearing aid evaluation, fitting and adjustments, and supplies, including ear molds. The insured
73 may choose a higher priced hearing aid and may pay the difference in cost above the two

74 thousand dollar (\$2,000) limit as provided in this section without any financial or contractual
75 penalty to the insured or to the provider of the hearing aid. The benefits in this section shall not
76 be subject to any greater deductible, coinsurance, copayments or out-of-pocket limits than any
77 other benefits provided by the insurer. Nothing in this section shall prohibit a corporation from
78 offering greater coverage for hearing aids than that required by this section. This section shall
79 also require coverage for such hearing aids under any non-group policy.

80

81 SECTION 4. Section 4U of chapter 176B of the General Laws, as so appearing, is hereby
82 amended by adding the following paragraph:-

83 Any subscription certificate under an individual or group medical service agreement,
84 except

85 certificates which provide supplemental coverage to Medicare or other governmental
86 programs,

87 that shall be delivered, issued or renewed within the commonwealth shall provide as
88 benefits to

89 all individual subscribers or members within the commonwealth and to all group
90 members

91 having a principal place of employment in the commonwealth, coverage for their minor
92 children

93 21 years of age or younger, who are insured under such certificates or agreements, for the
94 full cost of one (1) hearing aid per hearing impaired ear up to two thousand dollars (\$2,000) for
95 each hearing aid, as defined under section 196 of chapter 112, every 36 months upon a written
96 statement from such minor's treating physician that the hearing aids are medically necessary.
97 Coverage under this section shall include all related services prescribed by a licensed audiologist
98 or hearing instrument specialist, as defined in that section, including the initial hearing aid
99 evaluation, fitting and adjustments, and supplies, including ear molds. The insured may choose a
100 higher priced hearing aid and may pay the difference in cost above the two thousand dollar
101 (\$2,000) limit as provided in this section without any financial or contractual penalty to the
102 insured or to the provider of the hearing aid. The benefits in this section shall not be subject to
103 any greater deductible, coinsurance, copayments or out-of-pocket limits than any other benefits
104 provided by the insurer. Nothing in this section shall prohibit an insurer from offering greater
105 coverage for hearing aids than that required by this section. This section shall also require
106 coverage for such hearing aids under any non-group policy.

107 SECTION 5. The first section 4N of chapter 176G of the General Laws, as so appearing,
108 is

109 hereby amended by adding the following paragraph:-

110 An individual or group health maintenance contract, except contracts providing
111 supplemental

112 coverage to Medicare or other governmental programs, shall provide coverage and
113 benefits for

114 minors 21 years of age or younger, who are insured under such contracts, for expenses
115 incurred

116 for the full cost of one (1) hearing aid per hearing impaired ear up to two thousand dollars
117 (\$2,000) for each hearing aid, as defined under section 196 of chapter 112, every 36 months
118 upon a written statement from such minor's treating physician that the hearing aids are medically
119 necessary. Coverage under this section shall include all related services prescribed by a licensed
120 audiologist or hearing instrument specialist, as defined in that section, including the initial
121 hearing aid evaluation, fitting and adjustments, and supplies, including ear molds. The insured
122 may choose a higher priced hearing aid and may pay the difference in cost above the two
123 thousand dollar (\$2,000) limit as provided in this section without any financial or contractual
124 penalty to the insured or to the provider of the hearing aid. The benefits in this section shall not
125 be subject to any greater deductible, coinsurance, copayments or out-of-pocket limits than any
126 other benefits provided by the insurer. Nothing in this section shall prohibit an insurer from
127 offering greater coverage for hearing aids than that required by this section. This section shall
128 also require coverage for such hearing aids under any non-group policy.