

**HOUSE . . . . . No. 00052**

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 passage of the accompanying bill:

An Act to provide access to hearing aids for children.

PETITION OF:

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

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

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

# HOUSE . . . . . No. 00052

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

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

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

20 Any policy of accident and sickness insurance as described in section 108 which provides  
21 hospital expense and surgical expense insurance and which is delivered, issued or subsequently  
22 renewed by agreement between the insurer and policyholder in the commonwealth; any blanket  
23 or general policy of insurance described in subdivision (A), (C) or (D) of section 110 which  
24 provides hospital expense and surgical expense insurance and which is delivered, issued or  
25 subsequently renewed by agreement between the insurer and the policyholder, within or without  
26 the commonwealth; or any employees' health and welfare fund which provides hospital expense  
27 and surgical expense benefits and which is delivered, issued or renewed to any person or group  
28 of persons in the commonwealth, shall provide coverage for any minor child 21 years of age or  
29 younger, who is insured under the policy or fund, for the full cost of one (1) hearing aid per

30 hearing impaired ear up to two thousand dollars (\$2,000) for each hearing aid, as  
31 defined under section 196 of chapter 112, every 36 months upon a written statement from such  
32 minor's treating physician that the hearing aids are medically necessary. Coverage under this  
33 section shall include all related services prescribed by a licensed audiologist or hearing  
34 instrument specialist, as defined in that section, including the initial hearing aid evaluation,  
35 fitting and adjustments, and supplies, including ear molds. The insured may choose  
36 a higher priced hearing aid and may pay the difference in cost above the two thousand dollar  
37 (\$2,000) limit as provided in this section without any financial or contractual penalty to the  
38 insured or to the provider of the hearing aid. The benefits in this section shall not be subject to  
39 any greater deductible, coinsurance, copayments or out-of-pocket limits than any other benefits  
40 provided by the insurer. Nothing in this section shall prohibit an insurer from offering greater  
41 coverage for hearing aids than that required by this section. This section shall also require  
42 coverage for such hearing aids under any non-group policy.

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

45 Any contracts, except contracts providing supplemental coverage to Medicare or other  
46 governmental programs, between a subscriber and the corporation under an individual or group  
47 hospital service plan which is delivered, issued or renewed in the commonwealth shall provide as  
48 benefits to all individual subscribers or members within the commonwealth and to all group  
49 members having a principal place of employment within the commonwealth, coverage for their

50 minor children 21 years of age or younger, who are insured under such contracts or plans, for the  
51 full cost of one (1) hearing aid per hearing impaired ear up to two thousand dollars (\$2,000) for  
52 each hearing aid, as defined under section 196 of chapter 112, every 36 months upon a written  
53 statement from such minor's treating physician that the hearing aids are medically necessary.  
54 Coverage under this section shall include all related services prescribed by a licensed audiologist  
55 or hearing instrument specialist, as defined in that section, including the initial hearing aid  
56 evaluation, fitting and adjustments, and supplies, including ear molds. The insured may choose a  
57 higher priced hearing aid and may pay the difference in cost above the two thousand dollar  
58 (\$2,000) limit as provided in this section without any financial or contractual penalty to the  
59 insured or to the provider of the hearing aid. The benefits in this section shall not be subject to  
60 any greater deductible, coinsurance, copayments or out-of-pocket limits than any other benefits  
61 provided by the insurer. Nothing in this section shall prohibit a corporation from offering greater  
62 coverage for hearing aids than that required by this section. This section shall also require  
63 coverage for such hearing aids under any non-group policy.

64

65 SECTION 4. Section 4U of chapter 176B of the General Laws, as so appearing, is hereby

66 amended by adding the following paragraph:-

67 Any subscription certificate under an individual or group medical service agreement, except  
68 certificates which provide supplemental coverage to Medicare or other governmental programs,  
69 that shall be delivered, issued or renewed within the commonwealth shall provide as benefits to  
70 all individual subscribers or members within the commonwealth and to all group members

71 having a principal place of employment in the commonwealth, coverage for their minor children  
72 21 years of age or younger, who are insured under such certificates or agreements, for the full  
73 cost of one (1) hearing aid per hearing impaired ear up to two thousand dollars (\$2,000) for each  
74 hearing aid, as defined under section 196 of chapter 112, every 36 months upon a written  
75 statement from such minor's treating physician that the hearing aids are medically necessary.  
76 Coverage under this section shall include all related services prescribed by a licensed audiologist  
77 or hearing instrument specialist, as defined in that section, including the initial hearing aid  
78 evaluation, fitting and adjustments, and supplies, including ear molds. The insured may choose a  
79 higher priced hearing aid and may pay the difference in cost above the two thousand dollar  
80 (\$2,000) limit as provided in this section without any financial or contractual penalty to the  
81 insured or to the provider of the hearing aid. The benefits in this section shall not be subject to  
82 any greater deductible, coinsurance, copayments or out-of-pocket limits than any other benefits  
83 provided by the insurer. Nothing in this section shall prohibit an insurer from offering greater  
84 coverage for hearing aids than that required by this section. This section shall also require  
85 coverage for such hearing aids under any non-group policy.

86 SECTION 5. The first section 4N of chapter 176G of the General Laws, as so appearing, is  
87 hereby amended by adding the following paragraph:-

88 An individual or group health maintenance contract, except contracts providing supplemental  
89 coverage to Medicare or other governmental programs, shall provide coverage and benefits for  
90 minors 21 years of age or younger, who are insured under such contracts, for expenses incurred

91 for the full cost of one (1) hearing aid per hearing impaired ear up to two thousand dollars  
92 (\$2,000) for each hearing aid, as defined under section 196 of chapter 112, every 36 months  
93 upon a written statement from such minor's treating physician that the hearing aids are medically  
94 necessary. Coverage under this section shall include all related services prescribed by a licensed  
95 audiologist or hearing instrument specialist, as defined in that section, including the initial  
96 hearing aid evaluation, fitting and adjustments, and supplies, including ear molds. The insured  
97 may choose a higher priced hearing aid and may pay the difference in cost above the two  
98 thousand dollar (\$2,000) limit as provided in this section without any financial or contractual  
99 penalty to the insured or to the provider of the hearing aid. The benefits in this section shall not  
100 be subject to any greater deductible, coinsurance, copayments or out-of-pocket limits than any  
101 other benefits provided by the insurer. Nothing in this section shall prohibit an insurer from  
102 offering greater coverage for hearing aids than that required by this section. This section shall  
103 also require coverage for such hearing aids under any non-group policy.