

116TH CONGRESS  
2D SESSION

# S. 4532

To amend title XXVII of the Public Health Service Act and the Patient Protection and Affordable Care Act to require coverage of hearing devices and systems in certain private health insurance plans, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2020

Mrs. CAPITO (for herself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title XXVII of the Public Health Service Act and the Patient Protection and Affordable Care Act to require coverage of hearing devices and systems in certain private health insurance plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Ally’s Act”.

1 **SEC. 2. COVERAGE OF HEARING DEVICES AND SYSTEMS IN**  
 2 **CERTAIN PRIVATE HEALTH INSURANCE**  
 3 **PLANS.**

4 (a) IN GENERAL.—Part A of the Public Health Serv-  
 5 ice Act (42 U.S.C. 300gg et seq.) is amended by inserting  
 6 after section 2713 the following new section:

7 **“SEC. 2713A. COVERAGE OF HEARING DEVICES AND SYS-**  
 8 **TEMS.**

9 “(a) IN GENERAL.—Beginning with plan years begin-  
 10 ning on or after January 1, 2021, a group health plan  
 11 and a health insurance issuer offering group or individual  
 12 health insurance coverage shall, at a minimum provide  
 13 coverage for and may impose cost-sharing requirements  
 14 in accordance with subsection (b) for an individual that  
 15 a physician (as defined in section 1861(r) of the Social  
 16 Security Act) or qualified audiologist (as defined in section  
 17 1861(ll)(4)(B) of such Act) determines meets an indica-  
 18 tion (including unilateral or bilateral hearing loss) for an  
 19 auditory device as approved by the Food and Drug Admin-  
 20 istration for—

21 “(1) auditory implant devices (including audi-  
 22 tory osseointegrated (bone conduction) implants and  
 23 cochlear implants) and external sound processors;

24 “(2) the maintenance of auditory implant de-  
 25 vices and external sound processors described in  
 26 paragraph (1);

1           “(3) every 5 years, the upgrade (or replacement  
2 if an upgrade is not available) of auditory implant  
3 devices and external sound processors described in  
4 paragraph (1);

5           “(4) adhesive adapters and softband headbands;

6           “(5) the repair of auditory implant devices and  
7 external sound processors described in paragraph  
8 (1);

9           “(6) a comprehensive hearing assessment;

10          “(7) a preoperative medical assessment;

11          “(8) surgery (as appropriate);

12          “(9) postoperative medical appointments for  
13 purposes of ensuring appropriate recovery from sur-  
14 gery;

15          “(10) postoperative audiological appointments  
16 for activation and fitting of the implant device and  
17 external sound processor; and

18          “(11) aural rehabilitation and treatment serv-  
19 ices (as appropriate).

20          “(b) COST-SHARING.—Beginning with plan years be-  
21 ginning on or after January 1, 2021, the cost-sharing in-  
22 curred under a plan or coverage described in subsection  
23 (a)—

24                 “(1) for an auditory implant device and exter-  
25                 nal sound processors under this section, shall not ex-

1       ceed a dollar amount that is the highest cost-sharing  
2       requirement for the amount of the charges imposed  
3       for such device that is provided by a physician or  
4       qualified audiologist that has a contractual relation-  
5       ship with such plan or coverage for the providing of  
6       such device;

7               “(2) for an item or service under this section,  
8       shall not exceed a dollar amount that is imposed for  
9       similar items and services under that plan that are  
10      provided by a physician or qualified audiologist; and

11              “(3) that has a contractual relationship with  
12      such plan or coverage for the providing of such  
13      items and services.”.

14      (b) APPLICATION TO GRANDFATHERED HEALTH  
15      PLANS.—Section 1251(a)(4)(A) of the Patient Protection  
16      and Affordable Care Act (42 U.S.C. 18011(a)(4)(A)) is  
17      amended—

18              (1) by striking “title” and inserting “title, or as  
19      added after the date of the enactment of this Act”;  
20      and

21              (2) by adding at the end the following new  
22      clause:

23                      “(v) Section 2713A (relating to hear-  
24      ing devices and systems).”.

1           (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to plan years begin-  
3 ning on or after January 1, 2021.

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