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HOUSE BILL 174

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

Christine Trujillo

AN ACT

AMENDING CERTAIN SECTIONS OF THE NEW MEXICO INSURANCE CODE AND  
THE HEALTH CARE PURCHASING ACT TO REQUIRE HEARING AID COVERAGE  
FOR CERTAIN PERSONS; AMENDING CERTAIN SECTIONS OF THE NEW  
MEXICO INSURANCE CODE AND THE HEALTH CARE PURCHASING ACT TO  
REQUIRE EXPANDED HEARING AID COVERAGE.

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

SECTION 1. Section 13-7-10 NMSA 1978 (being Laws 2007,  
Chapter 356, Section 1) is amended to read:

"13-7-10. 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~~] aids. Such hearing aids shall be  
prescribed by a physician or a person licensed by the state to

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1 prescribe hearing aids and shall be considered durable medical  
2 equipment under the policy. The policy shall limit the hearing  
3 aid benefit to one hearing aid per ear within a twenty-four  
4 month period. The hearing aid coverage shall cover the full  
5 cost of one hearing aid per hearing-impaired ear [up to] in an  
6 amount no less than two thousand two hundred dollars (\$2,200)  
7 ~~[every thirty-six months for hearing aids for insured children~~  
8 ~~under eighteen years of age or under twenty-one years of age if~~  
9 ~~still attending high school]~~. The insured may choose a higher  
10 priced hearing aid and may pay the difference in cost above the  
11 two-thousand-two-hundred-dollar (\$2,200) limit as provided in  
12 this subsection without financial or contractual penalty to the  
13 insured or to the provider of the hearing aids.

14 B. Each insurer that delivers, issues for delivery  
15 or renews under the Health Care Purchasing Act any group health  
16 care coverage, including any form of self-insurance, may make  
17 available to the policyholder the option of purchasing  
18 additional hearing aid coverage that exceeds the services  
19 described in this section.

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

25 D. The provisions of this section do not apply to

1 short-term travel, accident-only or limited or specified  
2 disease policies.

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

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

11 SECTION 2. Section 59A-22-34.5 NMSA 1978 (being Laws  
12 2007, Chapter 356, Section 2) is amended to read:

13 "59A-22-34.5. HEARING AID COVERAGE ~~[FOR CHILDREN]~~  
14 REQUIRED.--

15 A. An individual or group health insurance policy,  
16 health care plan or certificate of health insurance that is  
17 delivered, issued for delivery or renewed in this state shall  
18 provide coverage for ~~[a] hearing [aid and any related service~~  
19 ~~for]~~ aids. Such hearing aids shall be prescribed by a  
20 physician or a person licensed by the state to prescribe  
21 hearing aids and shall be considered durable medical equipment  
22 under the group health insurance policy, health care plan or  
23 certificate of health insurance. The group health insurance  
24 policy, health care plan or certificate of health insurance  
25 shall limit the hearing aid benefit to one hearing aid per ear

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1 within a twenty-four month period. The hearing aid coverage  
2 shall cover the full cost of one hearing aid per hearing-  
3 impaired ear [~~up to~~] in an amount no less than two thousand two  
4 hundred dollars (\$2,200) [~~every thirty-six months for hearing~~  
5 ~~aids for 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 the  
8 difference in cost above the two-thousand-two-hundred-dollar  
9 (\$2,200) limit as provided in this subsection without financial  
10 or contractual penalty to the insured or to the provider of the  
11 hearing aid.

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

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

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

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

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

9 SECTION 3. Section 59A-23-7.8 NMSA 1978 (being Laws 2007,  
10 Chapter 356, Section 3) is amended to read:

11 "59A-23-7.8. HEARING AID COVERAGE ~~[FOR CHILDREN]~~  
12 REQUIRED.--

13 A. A blanket or group health insurance policy,  
14 health care plan or certificate of health insurance that is  
15 delivered, issued for delivery or renewed in this state shall  
16 provide coverage for ~~[a]~~ hearing ~~[aid and any related service~~  
17 ~~for]~~ aids. Such hearing aids shall be prescribed by a  
18 physician or a person licensed by the state to prescribe  
19 hearing aids and shall be considered durable medical equipment  
20 under the group health insurance policy, health care plan or  
21 certificate of health insurance. The group health insurance  
22 policy, health care plan or certificate of health insurance  
23 shall limit the hearing aid benefit to one hearing aid per ear  
24 within a twenty-four month period. The hearing aid coverage  
25 shall cover the full cost of one hearing aid per hearing-

1     impaired ear [~~up to~~] in an amount no less than two thousand two  
2     hundred dollars (\$2,200) [~~every thirty-six months for hearing~~  
3     ~~aids for insured children under eighteen years of age or under~~  
4     ~~twenty-one years of age if still attending high school~~]. The  
5     insured may choose a higher priced hearing aid and may pay the  
6     difference in cost above the two-thousand-two-hundred-dollar  
7     (\$2,200) limit as provided in this subsection without financial  
8     or contractual penalty to the insured or to the provider of the  
9     hearing aid.

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

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

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

24           E. Coverage for hearing aids may be subject to  
25     deductibles and coinsurance consistent with those imposed on

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1 other benefits under the same policy, plan or certificate.

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

6 SECTION 4. Section 59A-46-38.5 NMSA 1978 (being Laws  
7 2007, Chapter 356, Section 4) is amended to read:

8 "59A-46-38.5. HEARING AID COVERAGE ~~[FOR CHILDREN]~~  
9 REQUIRED.--

10 A. An individual or group health maintenance  
11 organization contract delivered, issued for delivery or renewed  
12 in this state shall provide coverage for ~~[a]~~ hearing ~~[aid and~~  
13 ~~any related service for]~~ aids. Such hearing aids shall be  
14 prescribed by a physician or a person licensed by the state to  
15 prescribe hearing aids and shall be considered durable medical  
16 equipment under the contract. The contract shall limit the  
17 hearing aid benefit to one hearing aid per ear within a twenty-  
18 four month period. The hearing aid coverage shall cover the  
19 full cost of one hearing aid per hearing-impaired ear ~~[up to]~~  
20 in an amount no less than two thousand two hundred dollars  
21 ~~(\$2,200) [every thirty-six months for hearing aids for insured~~  
22 ~~children under eighteen years of age or under twenty-one years~~  
23 ~~of age if still attending high school].~~ The insured may choose  
24 a higher priced hearing aid and may pay the difference in cost  
25 above the two-thousand-two-hundred-dollar (\$2,200) limit as

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1 provided in this subsection without financial or contractual  
2 penalty to the insured or to the provider of the hearing aid.

3 B. An insurer that delivers, issues for delivery or  
4 renews in this state an individual or group health maintenance  
5 organization contract may make available to the policyholder  
6 the option of purchasing additional hearing aid coverage that  
7 exceeds the services described in this section.

8 C. Hearing aid coverage offered shall include  
9 fitting and dispensing services, including providing ear molds  
10 as necessary to maintain optimal fit, provided by an  
11 audiologist, a hearing aid dispenser or a physician, licensed  
12 in New Mexico. A health maintenance organization has the  
13 discretion to determine the provider of hearing aids with which  
14 it contracts. Nothing in this section shall be construed to  
15 preclude a health maintenance organization from conducting  
16 medical necessity or utilization review for hearing aids and  
17 related services.

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



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

3 SECTION 5. Section 59A-47-37.1 NMSA 1978 (being Laws  
4 2007, Chapter 356, Section 5) is amended to read:

5 "59A-47-37.1. HEARING AID COVERAGE ~~[FOR CHILDREN]~~  
6 REQUIRED.--

7 A. An individual or group health insurance policy,  
8 health care plan or certificate of health insurance delivered  
9 or issued for delivery in this state shall provide coverage for  
10 ~~[a] hearing [aid and any related service for]~~ aids. Such  
11 hearing aids shall be prescribed by a physician or a person  
12 licensed by the state to prescribe hearing aids and shall be  
13 considered durable medical equipment under the group health  
14 insurance policy, health care plan or certificate of health  
15 insurance. The group health insurance policy, health care plan  
16 or certificate of health insurance shall limit the hearing aid  
17 benefit to one hearing aid per ear within a twenty-four-month  
18 period. The hearing aid coverage shall cover the full cost of  
19 one hearing aid per hearing-impaired ear [up to] in an amount  
20 no less than two thousand two hundred dollars (\$2,200) [every  
21 ~~thirty-six months for hearing aids for insured children under~~  
22 ~~eighteen years of age or under twenty-one years of age if still~~  
23 ~~attending high school].~~ The insured may choose a higher priced  
24 hearing aid and may pay the difference in cost above the two-  
25 thousand-two-hundred-dollar (\$2,200) limit as provided in this

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1 subsection without financial or contractual penalty to the  
2 insured or to the provider of the hearing aid.

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

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

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

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

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