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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

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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.

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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 [~~æ~~] 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-

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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

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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."