

LEGISLATIVE BILL 15

Approved by the Governor May 29, 2019

Introduced by Blood, 3; Hilkemann, 4; McDonnell, 5; Howard, 9; Hansen, M., 26; Quick, 35; Bolz, 29; Hunt, 8; Crawford, 45; McCollister, 20; Vargas, 7; Morfeld, 46; Kolowski, 31; Pansing Brooks, 28; Wishart, 27; Cavanaugh, 6; Walz, 15; Wayne, 13; Albrecht, 17; Lathrop, 12; DeBoer, 10; Chambers, 11; Slama, 1; Geist, 25; Kolterman, 24; Dorn, 30; Murman, 38; Gragert, 40; Briese, 41; Brandt, 32; Moser, 22; Halloran, 33.

A BILL FOR AN ACT relating to insurance; to adopt the Children of Nebraska Hearing Aid Act.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Children of Nebraska Hearing Aid Act.

Sec. 2. The Legislature finds and declares that:

(1) For a child impacted by hearing loss, his or her ability to develop language can be improved by the consistent use of a hearing aid;

(2) Private insurance benefits for children's hearing aids will ultimately provide long-term savings to the State of Nebraska by decreasing the need for special education services and increasing the academic success of children impacted by hearing loss; and

(3) In the long-term, implementation of the Children of Nebraska Hearing Aid Act will allow those impacted by the act to be more competitive in the workforce and less dependent on assistance from the state and federal governments.

Sec. 3. For purposes of the Children of Nebraska Hearing Aid Act:

(1) Health insurance plan means a plan which includes dependent coverage for an insured child and which is delivered, issued for delivery, renewed, extended, or modified in this state. Health insurance plan includes any such group or individual sickness and accident insurance policy, health maintenance organization contract, subscriber contract, employee medical, surgical, or hospital care benefit plan, or self-funded employee benefit plan to the extent not preempted by federal law. Health insurance plan also includes any policy, contract, or plan offered or administered by the state or its political subdivisions. Health insurance plan does not include a group health plan offered by a small employer as defined in section 44-5260 or a policy providing coverage for a specified disease, accident-only coverage, hospital indemnity coverage, disability income coverage, Medicare supplement coverage, long-term care coverage, or other limited-benefit coverage;

(2) Hearing aid means an ear level or bone conduction hearing device intended to aid or improve the sense of hearing for a person with a hearing impairment. The term includes all parts, replacement parts, parts for repair, tubing, and ear molds;

(3) Hearing impairment means a hearing impairment diagnosed by an otolaryngologist with an auditory assessment completed by a licensed audiologist; and

(4) Insured child means an individual who is covered by a health insurance plan and less than nineteen years of age.

Sec. 4. (1) Beginning January 1, 2020, except as provided in subsection (4) of this section and notwithstanding section 44-3,131, any health insurance plan delivered, issued for delivery, renewed, extended, or modified in this state shall provide coverage pursuant to the Children of Nebraska Hearing Aid Act to each insured child. Such coverage shall be subject to subsection (2) of this section and shall include, for each ear affected by a hearing impairment, the following items and services:

(a) A hearing aid purchased from a licensed audiologist with the medical clearance from an otolaryngologist and costs related to dispensing such hearing aid;

(b) Evaluation for a hearing aid;

(c) Fitting of a hearing aid;

(d) Programming of a hearing aid;

(e) Probe microphone measurements for verification that hearing aid gain and output meet the prescribed targets;

(f) Hearing aid repairs;

(g) Follow-up adjustments, servicing, and maintenance of a hearing aid;

(h) Ear mold impressions;

(i) Ear molds; and

(j) Auditory rehabilitation and training.

(2)(a) Except as otherwise provided in this subsection, the items and services listed in subsection (1) of this section shall be covered on a continual basis to the extent that benefits paid for such items and services during the immediately preceding forty-eight-month period have not exceeded three thousand dollars.

(b) Coverage pursuant to the act shall allow for the replacement of a hearing aid and the associated services within three months of the dispensing

date if the hearing aid gain and output fail to meet prescribed targets or the hearing aid is unable to be repaired or adjusted. If an insured child uses a hearing aid on the effective date of this act and the hearing aid has been deemed unrepairable or obsolete by the manufacturer of the device, the insured child shall be eligible to use the benefits required by this act towards the acquisition of a new hearing aid, parts, and associated services.

(c) Coverage provided to an insured child pursuant to the act shall be subject to the same deductible, copayment, and coinsurance as similar covered items and services under the health insurance plan.

(3) A health insurance plan shall not refuse or deny coverage, refuse to renew or reissue coverage, or terminate coverage for an individual with a hearing impairment who is less than nineteen years of age based on such hearing impairment.

(4) A health insurance plan shall be exempt from the act for a plan year if, using a calculation method approved by the Department of Insurance, the cost of coverage would likely exceed one percent of all premiums collected under such plan for such plan year.

Sec. 5. The Department of Insurance may adopt and promulgate rules and regulations necessary to implement the Children of Nebraska Hearing Aid Act.