

CHAPTER 401

INSURANCE

SENATE BILL 08-057

BY SENATOR(S) Kester, Bacon, Boyd, Gibbs, Gordon, Groff, Isgar, Keller, Mitchell S., Morse, Sandoval, Schwartz, Tapia, Taylor, Tochtrop, Tupa, Veiga, Williams, and Windels;
also REPRESENTATIVE(S) Marshall, Borodkin, Carroll M., Casso, Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Green, Hodge, King, Labuda, Liston, Looper, Madden, Massey, McFadyen, Merrifield, Middleton, Peniston, Pommer, Primavera, Romanoff, Rose, Scanlan, Solano, Soper, Stafford, Summers, and Todd.

AN ACT

CONCERNING INSURANCE COVERAGE FOR HEARING AIDS FOR MINORS, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 10-16-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-104. Mandatory coverage provisions. (19) Hearing aids for children - legislative declaration. (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT THE LANGUAGE DEVELOPMENT OF CHILDREN WITH PARTIAL OR TOTAL HEARING LOSS MAY BE IMPAIRED DUE TO THE HEARING LOSS. CHILDREN LEARN THE CONCEPT OF SPOKEN LANGUAGE THROUGH AUDITORY STIMULI, AND THE LANGUAGE SKILLS OF CHILDREN WHO HAVE HEARING LOSS IMPROVE WHEN THEY ARE PROVIDED WITH HEARING AIDS AND ACCESS TO VISUAL LANGUAGE UPON THE DISCOVERY OF HEARING LOSS. THE GENERAL ASSEMBLY THEREFORE DECLARES THAT PROVIDING HEARING AIDS TO CHILDREN WITH HEARING LOSS WILL REDUCE THE COSTS BORNE BY THE STATE, INCLUDING SPECIAL EDUCATION, ALTERNATIVE TREATMENTS THAT WOULD OTHERWISE BE NECESSARY IF A HEARING AID WERE NOT PROVIDED, AND OTHER COSTS ASSOCIATED WITH SUCH HEARING LOSS.

(b) ANY HEALTH BENEFIT PLAN THAT PROVIDES HOSPITAL, SURGICAL, OR MEDICAL EXPENSE INSURANCE, EXCEPT SUPPLEMENTAL POLICIES COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, SHALL PROVIDE COVERAGE FOR HEARING AIDS FOR MINOR CHILDREN WHO HAVE A HEARING LOSS THAT HAS BEEN VERIFIED BY A PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., AND BY AN

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AUDIOLOGIST LICENSED PURSUANT TO SECTION 12-5.5-102, C.R.S. THE HEARING AIDS SHALL BE MEDICALLY APPROPRIATE TO MEET THE NEEDS OF THE CHILD ACCORDING TO ACCEPTED PROFESSIONAL STANDARDS. COVERAGE SHALL INCLUDE THE PURCHASE OF THE FOLLOWING:

(I) INITIAL HEARING AIDS AND REPLACEMENT HEARING AIDS NOT MORE FREQUENTLY THAN EVERY FIVE YEARS;

(II) A NEW HEARING AID WHEN ALTERATIONS TO THE EXISTING HEARING AID CANNOT ADEQUATELY MEET THE NEEDS OF THE CHILD;

(III) SERVICES AND SUPPLIES INCLUDING, BUT NOT LIMITED TO, THE INITIAL ASSESSMENT, FITTING, ADJUSTMENTS, AND AUDITORY TRAINING THAT IS PROVIDED ACCORDING TO ACCEPTED PROFESSIONAL STANDARDS.

(c) THE BENEFITS ACCORDED PURSUANT TO THIS SUBSECTION (19) SHALL BE SUBJECT TO THE SAME ANNUAL DEDUCTIBLE OR COPAYMENT ESTABLISHED FOR ALL OTHER COVERED BENEFITS WITHIN THE INSURED'S POLICY AND UTILIZATION REVIEW AS PROVIDED IN SECTIONS 10-16-112, 10-16-113, AND 10-16-113.5. THE BENEFITS SHALL ALSO BE SUBJECT TO PART 7 OF THIS ARTICLE.

(d) HEALTH BENEFIT PLANS ISSUED BY AN ENTITY SUBJECT TO THIS PART 1 MAY PROVIDE THAT THE BENEFITS REQUIRED PURSUANT TO THIS SECTION SHALL BE COVERED BENEFITS ONLY IF THE SERVICES ARE DEEMED MEDICALLY NECESSARY.

SECTION 2. 10-16-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(24.7) "HEARING AID" MEANS AMPLIFICATION TECHNOLOGY THAT OPTIMIZES AUDIBILITY AND LISTENING SKILLS IN THE ENVIRONMENTS COMMONLY EXPERIENCED BY THE PATIENT, INCLUDING A WEARABLE INSTRUMENT OR DEVICE DESIGNED TO AID OR COMPENSATE FOR IMPAIRED HUMAN HEARING. "HEARING AID" SHALL INCLUDE ANY PARTS OR EAR MOLDS.

(27.3) "MINOR CHILD" MEANS ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, indigent care program, for children's basic health plan premium costs, for the fiscal year beginning July 1, 2008, the sum of nineteen thousand dollars (\$19,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be cash funds from the children's basic health plan trust, created in section 25.5-8-105 (1), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive thirty-five thousand three hundred dollars (\$35,300) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state

appropriation amounts.

SECTION 4. Effective date - applicability. This act shall take effect January 1, 2009, and shall apply to policies issued or renewed on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 2008