

SECOND REGULAR SESSION

# SENATE BILL NO. 838

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CASKEY.

Pre-filed December 18, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3289S.021

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## AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for hearing aids for children.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1221, to read as follows:

**376.1221. 1. Each policy issued by an entity offering individual and group health insurance which provides coverage on an expense-incurred basis, individual or group health service, or indemnity contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group health arrangements to the extent not preempted by federal law, and all health care plans provided by managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state after January 1, 2003, shall provide coverage for hearing aids for dependent children who are covered under a policy or contract.**

**2. The health care service required by this section shall not be subject to a deductible or copayment that exceeds twenty percent of the actual covered service costs as described in subsection 7 of this section. An entity subject to this section shall be prohibited from requesting or requiring hearing acuity information from or about individuals applying for coverage.**

**3. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care**

**policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.**

**4. An entity subject to this section shall provide coverage for hearing aids for a child who is covered under a policy or contract if the hearing aids are prescribed, fitted and dispensed by a licensed audiologist.**

**5. Hearing aids provided shall:**

**(1) Be an electronic, wearable device designed for the purpose of aiding or compensating for human hearing loss and any parts, attachments or accessories, including earmolds;**

**(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly experienced by children; and**

**(3) Have multiple band, wide dynamic range compression and direct audio input compatibility.**

**6. An entity subject to this section shall provide coverage for replacement hearing aids for the child at least once every three years or as prescribed by an audiologist.**

**7. Hearing evaluations, hearing aids, prescriptions, fittings and consumable supplies shall be reimbursed at the usual and customary charges of the licensed professionals. A health insurer or health benefit plan subject to this section may limit the benefit payable for hearing aids to twenty-five hundred dollars per hearing aid for each ear with a hearing loss. An insured or enrolled individual may choose a hearing aid priced higher than the benefit payable and may pay the difference between the price of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.**

**8. This section does not prohibit an entity subject to this section from providing coverages that are greater than or more favorable than the coverage required under this section.**

**9. The department of insurance may promulgate rules necessary to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

Unofficial

Bill

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