

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 08-0361.01 Kristen Forrestal

SENATE BILL 08-057

SENATE SPONSORSHIP

Kester,

HOUSE SPONSORSHIP

Marshall,

Senate Committees

Business, Labor and Technology
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Finds that providing hearing aids to hearing-impaired children will improve the language development of such children. Declares that providing hearing aids to such children will reduce the costs borne by the state in connection with providing special education and other costs associated with such hearing loss.

Requires insurance providers to cover hearing aids for minor children when medically appropriate. Requires the coverage to include

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 14, 2008

a new hearing aid not more frequently than every 5 years, a new hearing aid when alterations to the existing hearing aid cannot meet the needs of the child, and services and supplies such as the initial assessment, fitting, adjustments, and auditory training. Requires that coverage be provided with the same annual deductible or copayment established for all other covered benefits within the insured's policy.

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

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

4 **10-16-104. Mandatory coverage provisions. (18) Hearing aids**
5 **for children - legislative declaration.** (a) THE GENERAL ASSEMBLY
6 HEREBY FINDS AND DETERMINES THAT THE LANGUAGE DEVELOPMENT OF
7 CHILDREN WITH PARTIAL OR TOTAL HEARING LOSS MAY BE IMPAIRED DUE
8 TO THE HEARING LOSS. CHILDREN LEARN THE CONCEPT OF SPOKEN
9 LANGUAGE THROUGH AUDITORY STIMULI, AND THE LANGUAGE SKILLS OF
10 CHILDREN WHO HAVE HEARING LOSS IMPROVE WHEN THEY ARE PROVIDED
11 WITH HEARING AIDS AND ACCESS TO VISUAL LANGUAGE UPON THE
12 DISCOVERY OF HEARING LOSS. THE GENERAL ASSEMBLY THEREFORE
13 DECLARES THAT PROVIDING HEARING AIDS TO CHILDREN WITH HEARING
14 LOSS WILL REDUCE THE COSTS BORNE BY THE STATE, INCLUDING SPECIAL
15 EDUCATION, ALTERNATIVE TREATMENTS THAT WOULD OTHERWISE BE
16 NECESSARY IF A HEARING AID WERE NOT PROVIDED, AND OTHER COSTS
17 ASSOCIATED WITH SUCH HEARING LOSS.

18 (b) ANY HEALTH BENEFIT PLAN THAT PROVIDES HOSPITAL,
19 SURGICAL, OR MEDICAL EXPENSE INSURANCE, EXCEPT SUPPLEMENTAL
20 POLICIES COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT,
21 SHALL PROVIDE COVERAGE FOR HEARING AIDS FOR MINOR CHILDREN WHO
22 HAVE A HEARING LOSS THAT HAS BEEN VERIFIED BY A PHYSICIAN LICENSED

1 PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., AND BY AN AUDIOLOGIST
2 LICENSED PURSUANT TO SECTION 12-5.5-102, C.R.S. THE HEARING AIDS
3 SHALL BE MEDICALLY APPROPRIATE TO MEET THE NEEDS OF THE CHILD
4 ACCORDING TO ACCEPTED PROFESSIONAL STANDARDS. COVERAGE SHALL
5 INCLUDE THE PURCHASE OF THE FOLLOWING:

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

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

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

14 (c) THE BENEFITS ACCORDED PURSUANT TO THIS SUBSECTION (18)
15 SHALL BE SUBJECT TO THE SAME ANNUAL DEDUCTIBLE OR COPAYMENT
16 ESTABLISHED FOR ALL OTHER COVERED BENEFITS WITHIN THE INSURED'S
17 POLICY AND UTILIZATION REVIEW AS PROVIDED IN SECTIONS 10-16-112,
18 10-16-113, AND 10-16-113.5. THE BENEFITS SHALL ALSO BE SUBJECT TO
19 PART 7 OF THIS ARTICLE.

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

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

27 **10-16-102. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (24.7) "HEARING AID" MEANS AMPLIFICATION TECHNOLOGY THAT
3 OPTIMIZES AUDIBILITY AND LISTENING SKILLS IN THE ENVIRONMENTS
4 COMMONLY EXPERIENCED BY THE PATIENT, INCLUDING A WEARABLE
5 INSTRUMENT OR DEVICE DESIGNED TO AID OR COMPENSATE FOR IMPAIRED
6 HUMAN HEARING. "HEARING AID" SHALL INCLUDE ANY PARTS OR EAR
7 MOLDS.

8 (27.3) "MINOR CHILD" MEANS ANY PERSON UNDER THE AGE OF
9 EIGHTEEN YEARS.

10 **SECTION 3. Appropriation.** In addition to any other
11 appropriation, there is hereby appropriated, to the department of health
12 care policy and financing, indigent care program, for children's basic
13 health plan premium costs, for the fiscal year beginning July 1, 2008, the
14 sum of fifty-four thousand three hundred dollars (\$54,300), or so much
15 thereof as may be necessary, for the implementation of this act. Of said
16 sum, nineteen thousand dollars (\$19,000) shall be cash funds from the
17 children's basic health plan trust, created in section 25.5-8-105 (1),
18 Colorado Revised Statutes, and thirty-five thousand three hundred dollars
19 (\$35,300) shall be from federal funds.

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

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