

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

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**

Business Affairs and Labor  
Appropriations

**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.*

HOUSE  
3rd Reading Unam ended  
April 25, 2008

HOUSE  
Am ended 2nd Reading  
April 24, 2008

SENATE  
3rd Reading Unam ended  
April 15, 2008

SENATE  
Am ended 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.

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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 nineteen thousand dollars (\$19,000), thereof as may be necessary,  
15 for the implementation of this act. Said sum shall be cash funds from the  
16 children's basic health plan trust, created in section 25.5-8-105 (1),  
17 Colorado Revised Statutes. In addition to said appropriation, the general  
18 assembly anticipates that the department of health care policy and  
19 financing will receive thirty-five thousand three hundred dollars  
20 (\$35,300) federal funds in the fiscal year beginning July 1, 2008, for the  
21 implementation of this act. Although the federal funds are not  
22 appropriated in this act, they are noted for the purpose of indicating the  
23 assumptions used relative to these funds in developing state appropriation  
24 amounts.

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

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