

# HOUSE BILL 452

C3

11r1698  
CF SB 702

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By: ~~Delegate Kipke~~ Delegates Kipke, Cullison, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, and Tarrant

Introduced and read first time: February 4, 2011  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 2, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance – Coverage of Hearing Aids**

3 FOR the purpose of requiring an insurer, nonprofit health service plan, or health  
4 maintenance organization that provides coverage for hearing aids to an insured  
5 or enrolled individual who is not a minor child and that places a dollar limit on  
6 the hearing aid benefit to allow the individual to choose a hearing aid that is  
7 priced higher than the benefit payable under the policy or contract and pay the  
8 difference between the price of the hearing aid and the dollar limit on the  
9 benefit; ~~altering the definition of “hearing aid” to remove a requirement that a~~  
10 ~~hearing aid be nondisposable~~ making certain conforming changes; and generally  
11 relating to coverage of hearing aids under health insurance.

12 BY repealing and reenacting, with amendments,  
13 Article – Insurance  
14 Section 15–838  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2010 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Insurance**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 15-838.

2 ~~(a)~~ In this section, “hearing aid” means a device that~~;~~

3 ~~(1)~~ is of a design and circuitry to optimize audibility and listening  
4 skills in the environment commonly experienced by children~~;~~ and

5 ~~(2)~~ is nondisposable~~;~~.

6 ~~(b)~~ **(A)** This section applies to:

7 (1) insurers and nonprofit health service plans that provide hospital,  
8 medical, or surgical benefits to individuals or groups on an expense-incurred basis  
9 under health insurance policies or contracts that are issued or delivered in the State;  
10 and

11 (2) health maintenance organizations that provide hospital, medical,  
12 or surgical benefits to individuals or groups under contracts that are issued or  
13 delivered in the State.

14 ~~(c)~~ **(B)** (1) IN THIS SUBSECTION, “HEARING AID” MEANS A DEVICE THAT:

15 (I) IS OF A DESIGN AND CIRCUITRY TO OPTIMIZE  
16 AUDIBILITY AND LISTENING SKILLS IN THE ENVIRONMENT COMMONLY  
17 EXPERIENCED BY CHILDREN; AND

18 (II) IS NONDISPOSABLE.

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

22 ~~(2)~~ **(3)**(i) An entity subject to this section may limit the benefit  
23 payable under paragraph ~~(1)~~ **(2)** of this subsection to \$1,400 per hearing aid for each  
24 hearing-impaired ear every 36 months.

25 (ii) An insured or enrolled individual may choose a hearing aid  
26 that is priced higher than the benefit payable under this subsection and may pay the  
27 difference between the price of the hearing aid and the benefit payable under this  
28 subsection, without financial or contractual penalty to the provider of the hearing aid.

29 ~~(d)~~ **(C)** This section does not prohibit an entity subject to this section from  
30 providing coverage that is greater or more favorable to an insured or enrolled  
31 individual than the coverage required under this section.

1           ~~(E)~~ **(D)**       IF AN ENTITY SUBJECT TO THIS SECTION PROVIDES  
 2   **COVERAGE FOR HEARING AIDS TO AN INSURED OR ENROLLED INDIVIDUAL WHO**  
 3   **IS NOT A MINOR CHILD, AND IF THE POLICY OR CONTRACT OF THE INSURED OR**  
 4   **ENROLLED INDIVIDUAL HAS A DOLLAR LIMIT ON THE HEARING AID BENEFIT,**  
 5   **THE ENTITY SHALL ALLOW THE INDIVIDUAL TO:**

6                   **(1)    CHOOSE A HEARING AID THAT IS PRICED HIGHER THAN THE**  
 7   **BENEFIT PAYABLE UNDER THE POLICY OR CONTRACT; AND**

8                   **(2)    PAY THE DIFFERENCE BETWEEN THE PRICE OF THE HEARING**  
 9   **AID AND THE DOLLAR LIMIT ON THE HEARING AID BENEFIT.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
 11   policies, contracts, and health benefit plans issued, delivered, or renewed in the State  
 12   on or after October 1, 2011.

13           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 14   October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.