

SENATE BILL 1795

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 56, Chapter 7, relative to hearing aids.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Hearing Enhancement Aid Reimbursement (HEAR) Act."

SECTION 2. Tennessee Code Annotated, Section 56-7-2368, is amended by deleting the section and substituting the following:

(a) It is the purpose and intent of the general assembly by this section to provide coverage for hearing aids at annually determined minimum coverage rates per hearing aid to all individuals with documented hearing loss.

(b) As used in this section:

(1) "Audiologist" means an individual licensed as an audiologist under title 63, chapter 17;

(2) "Covered individual" means an individual who is covered under a policy, certificate, or agreement for health insurance coverage;

(3) "Department" means the department of commerce and insurance;

(4) "Health insurance coverage" has the same meaning as defined in § 56-7-109;

(5) "Hearing aid" means any wearable, nonexperimental, nondisposable instrument or device designed for the ear and used to aid or compensate for impaired human hearing, including earmolds and services necessary to select, fit, and adjust the hearing aid, but excluding batteries, cords, and other assistive listening devices such as FM systems; and

(6) "Physician" means an individual licensed as a medical doctor under title 63, chapter 6, or an osteopathic physician under title 63, chapter 9.

(c) Every policy, certificate, or agreement for health insurance coverage that is executed, delivered, issued for delivery, amended, or renewed in this state must provide for coverage for the purchase of a hearing aid for each deaf or hard of hearing ear for an individual covered by the policy, certificate, or agreement in compliance with this section.

(d)

(1) The department shall annually set and promulgate minimum coverage rates and coverage limits for adult and child hearing aids for each deaf or hard of hearing ear.

(2) The department shall provide rates that allow for one hundred percent (100%) coverage of reasonable and customary hearing aids.

(3) The department shall, not less than every two (2) years following the effective date of this act, select and promulgate an approved list of audiologists and hearing aid dealers licensed in this state for which the health insurance policies, certificates, and agreements described in subsection (c) must provide coverage in accordance with this section.

(4) The hearing loss in each deaf or hard of hearing ear for which hearing aid coverage under subsection (c) applies must be documented by a physician or audiologist licensed in this state.

(e) A covered person may choose a higher-priced hearing aid and may pay the difference in cost above the minimum coverage amount without any financial or contractual penalty to the covered person or to the provider of the hearing aid.

(f) This section applies to any state or local insurance program, under title 8, chapter 27, and any managed care organization contracting with the state to provide insurance through the TennCare program.

(g) This section applies to all policies, certificates, and agreements executed, delivered, issued for delivery, amended, or renewed in this state on or after the effective date of this act. For the purposes of this section, all policies, certificates, and agreements are deemed to be renewed no later than the next yearly anniversary of the policy, certificate, or agreement date.

SECTION 3. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.