

118TH CONGRESS  
2D SESSION

# H. R. 7254

To direct the Administrator of the Centers for Medicare and Medicaid to clarify that fully implanted active middle ear hearing devices are prosthetics and are not subject to the hearing aid coverage exclusion under the Medicare program.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2024

Mrs. FISCHBACH (for herself, Ms. CRAIG, Mr. EMMER, Ms. MCCOLLUM, Mr. FINSTAD, Mr. PHILLIPS, and Mr. STAUBER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To direct the Administrator of the Centers for Medicare and Medicaid to clarify that fully implanted active middle ear hearing devices are prosthetics and are not subject to the hearing aid coverage exclusion under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hearing Device Cov-  
5 erage Clarification Act”.

1 **SEC. 2. ACTIVE MIDDLE EAR IMPLANT COVERAGE.**

2 (a) IN GENERAL.—Not later than 60 days after the  
3 date of enactment of this Act, the Administrator of the  
4 Centers for Medicare & Medicaid Services shall clarify that  
5 fully implanted active middle ear hearing devices are pros-  
6 thetics that are not subject to the hearing aid coverage  
7 exclusion under section 1862(a)(7) of the Social Security  
8 Act (42 U.S.C. 1395y(a)(7)).

9 (b) PROSTHETIC DEFINED.—The term “prosthetic”  
10 has the meaning given such term in section 414.202 of  
11 title 42, Code of Federal Regulations.

○