

118TH CONGRESS
2D SESSION

H. R. 8064

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of hearing aids and related hearing services.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2024

Mr. CARTWRIGHT (for himself, Mr. LAWLER, Mr. GRIJALVA, Ms. DEAN of Pennsylvania, Mr. CÁRDENAS, Ms. MCCOLLUM, Mr. TAKANO, and Mr. THOMPSON of California) 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 amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of hearing aids and related hearing services.

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 “Help Extend Auditory
5 Relief Act of 2024” or the “HEAR Act of 2024”.

1 **SEC. 2. MEDICARE COVERAGE OF HEARING REHABILITA-**
2 **TION.**

3 (a) COVERAGE OF AURAL REHABILITATION SERV-
4 ICES.—Section 1861(s)(2) of the Social Security Act (42
5 U.S.C. 1395x(s)(2)) is amended—

6 (1) in subparagraph (JJ) by adding “and” at
7 the end; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(KK) aural rehabilitation services (as de-
11 scribed in subsection (nnn)(1)(A));”.

12 (b) COVERAGE OF HEARING AIDS AS DURABLE MED-
13 ICAL EQUIPMENT.—Section 1861(s)(8) of the Social Secu-
14 rity Act (42 U.S.C. 1395x(s)(8)) is amended by inserting
15 “and hearing aids (as defined in subsection (nnn)(3))” be-
16 fore the period.

17 (c) HEARING REHABILITATION AND HEARING AID
18 DEFINED.—Section 1861 of the Social Security Act (42
19 U.S.C. 1395x) is amended by adding at the end the fol-
20 lowing new subsection:

21 “Hearing Rehabilitation

22 “(nnn)(1) The term ‘hearing rehabilitation’ means—

23 “(A) aural rehabilitation services (described in
24 paragraph (2)) which meet such requirements as the
25 Secretary prescribes and which are furnished by a
26 physician or qualified audiologist, who is legally au-

1 thorized to furnish such services under the State law
2 (or the State regulatory mechanism provided by
3 State law) of the State in which the services are fur-
4 nished; and

5 “(B) hearing aids (as defined in paragraph
6 (3)).

7 “(2) The services described in this subparagraph in-
8 clude—

9 “(A) aural rehabilitation services;

10 “(B) in the case of an individual who has a
11 hearing loss (as defined by the Secretary), a com-
12 prehensive audiologic assessment to determine if a
13 hearing aid is appropriate and to determine the need
14 for other diagnostic medical or audiologic testing;
15 and

16 “(C) a threshold test to determine audio acuity.

17 “(3)(A) The term ‘hearing aid’ means a hearing aid
18 described in subparagraph (B), including the services de-
19 scribed in subparagraph (C) furnished by a physician or
20 qualified audiologist, who is legally authorized to supply
21 such hearing aid under the State law (or State regulatory
22 mechanism provided by State law) of the State in which
23 the hearing aid is supplied, to an individual described in
24 subparagraph (D).

1 “(B) A hearing aid described in this subparagraph
2 is any wearable instrument or device for, offered for the
3 purpose of, or represented as aiding individuals with, or
4 compensating for, hearing loss that meets requirements of
5 the Food and Drug Administration for marketing, but
6 does not include an over-the-counter hearing aid (as de-
7 fined in section 520(q)(1) of the Federal Food, Drug, and
8 Cosmetic Act).

9 “(C) The services described in this subparagraph in-
10 clude—

11 “(i) audiology services (as defined in subsection
12 (ll)(2));

13 “(ii) a hearing aid assessment to determine the
14 appropriate hearing aid for the individual;

15 “(iii) procurement of an appropriate hearing
16 aid;

17 “(iv) initial fitting and adjustment of the hear-
18 ing aid;

19 “(v) appropriate instruction on the use of the
20 hearing aid;

21 “(vi) periodic refittings and adjustments; and

22 “(vii) rehabilitation, including counseling on
23 hearing loss, speech reading, and auditory training.

24 “(D) The individuals described in this subpara-
25 graph—

1 “(i) have been determined (as a result of a com-
2 prehensive audiologic assessment) to have a hearing
3 loss which can be appropriately treated with a hear-
4 ing aid;

5 “(ii) have not been supplied with one monaural
6 hearing aid or two binaural hearing aids during the
7 preceding 3 years; and

8 “(iii) have had a comprehensive audiologic as-
9 sessment which indicates that the hearing of such
10 individual has deteriorated since such individual was
11 last supplied with a hearing aid such that a hearing
12 aid of a different type is appropriate for such indi-
13 vidual.”.

14 (d) INCLUSION OF AUDIOLOGY REHABILITATION
15 SERVICES.—Section 1861(ll)(2) of the Social Security Act
16 (42 U.S.C. 1395x(ll)(2)) is amended by inserting “and re-
17 habilitation” after “balance assessment”.

18 (e) EXCEPTION TO EXCLUSIONS FROM COVERAGE.—
19 Section 1862(a) of the Social Security Act (42 U.S.C.
20 1395y(a)) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (O), by striking
23 “and” at the end;

24 (B) in subparagraph (P); by striking the
25 semicolon at the end and inserting “, and”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(Q) in the case of hearing rehabilitation, which
4 is furnished or supplied more frequently than is pro-
5 vided under section 1861(nnn)(3)(D)(ii).”; and

6 (2) in paragraph (7) by striking “hearing aids
7 or examinations therefor”.

8 (f) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the date of the enactment
10 of this Act, and shall apply to items and services furnished
11 on or after a date specified by the Secretary of Health
12 and Human Services that is not sooner than January 1
13 of the first year beginning after such date of enactment
14 and not later than January 1 of the third year beginning
15 after such date of enactment.

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