

---

**ENGROSSED SUBSTITUTE HOUSE BILL 1222**

---

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington                      68th Legislature                      2023 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Orwall, Simmons, Reeves, Reed, Leavitt, Kloba, Farivar, Doglio, Morgan, Slatter, Ramel, Goodman, Callan, Fosse, Pollet, Lekanoff, and Macri)

READ FIRST TIME 01/30/23.

1            AN ACT Relating to requiring coverage for hearing instruments;  
2 amending RCW 41.05.830; adding a new section to chapter 48.43 RCW;  
3 adding a new section to chapter 41.05 RCW; and providing an  
4 expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 48.43  
7 RCW to read as follows:

8            (1) For nongrandfathered group health plans other than small  
9 group health plans issued or renewed on or after January 1, 2024, a  
10 health carrier shall include coverage for hearing instruments,  
11 including bone conduction hearing devices. This section does not  
12 include coverage of over-the-counter hearing instruments.

13            (2) Coverage shall also include the initial assessment, fitting,  
14 adjustment, auditory training, and ear molds as necessary to maintain  
15 optimal fit. Coverage of the services in this subsection shall  
16 include services for enrollees who intend to obtain or have already  
17 obtained any hearing instrument, including an over-the-counter  
18 hearing instrument.

19            (3) A health carrier shall provide coverage for hearing  
20 instruments as provided in subsection (1) of this section at no less  
21 than \$3,000 per ear with hearing loss every 36 months.

1 (4) The services and hearing instruments covered under this  
2 section are not subject to the enrollee's deductible unless the  
3 health plan is offered as a qualifying health plan for a health  
4 savings account. For such a qualifying health plan, the carrier may  
5 apply a deductible to coverage of the services covered under this  
6 section only at the minimum level necessary to preserve the  
7 enrollee's ability to claim tax exempt contributions and withdrawals  
8 from the enrollee's health savings account under internal revenue  
9 service laws and regulations.

10 (5) Coverage for a minor under 18 years of age shall be available  
11 under this section only after the minor has received medical  
12 clearance within the preceding six months from:

13 (a) An otolaryngologist for an initial evaluation of hearing  
14 loss; or

15 (b) A licensed physician, which indicates there has not been a  
16 substantial change in clinical status since the initial evaluation by  
17 an otolaryngologist.

18 (6) For the purposes of this section:

19 (a) "Hearing instrument" has the same meaning as defined in RCW  
20 18.35.010.

21 (b) "Over-the-counter hearing instrument" has the same meaning as  
22 "over-the-counter hearing aid" in 21 C.F.R. Sec. 800.30 as of  
23 December 28, 2022.

24 **Sec. 2.** RCW 41.05.830 and 2018 c 159 s 1 are each amended to  
25 read as follows:

26 (1) Subject to appropriation, a health plan offered to employees  
27 and their covered dependents under this chapter issued or renewed on  
28 or after January 1, 2019, must include coverage for hearing  
29 instruments. Coverage must include a new hearing instrument every  
30 five years and services and supplies such as the initial assessment,  
31 fitting, adjustment, and auditory training.

32 (2) The hearing instrument must be recommended by a licensed  
33 audiologist, hearing aid specialist, or a licensed physician or  
34 osteopathic physician who specializes in otolaryngology and dispensed  
35 by a licensed audiologist, hearing aid specialist, or a licensed  
36 physician or osteopathic physician who specializes in otolaryngology.

37 (3) For the purposes of this section, "hearing instrument" and  
38 "hearing aid specialist" have the same meaning as defined in RCW  
39 18.35.010.

1        (4) This section expires December 31, 2023.

2        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 41.05  
3    RCW to read as follows:

4        A health plan offered to public employees and their covered  
5    dependents under this chapter issued or renewed on or after January  
6    1, 2024, is subject to section 1 of this act.

--- END ---