

ESHB 1222 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED 03/31/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43
4 RCW to read as follows:

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

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

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

19 (4) The services and hearing instruments covered under this
20 section are not subject to the enrollee's deductible unless the
21 health plan is offered as a qualifying health plan for a health
22 savings account. For such a qualifying health plan, the carrier may
23 apply a deductible to coverage of the services covered under this
24 section only at the minimum level necessary to preserve the
25 enrollee's ability to claim tax exempt contributions and withdrawals
26 from the enrollee's health savings account under internal revenue
27 service laws and regulations.

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

1 (a) An otolaryngologist for an initial evaluation of hearing
2 loss; or

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

6 (6) For the purposes of this section:

7 (a) "Hearing instrument" has the same meaning as defined in RCW
8 18.35.010.

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

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

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

20 (2) The hearing instrument must be recommended by a licensed
21 audiologist, hearing aid specialist, or a licensed physician or
22 osteopathic physician who specializes in otolaryngology and dispensed
23 by a licensed audiologist, hearing aid specialist, or a licensed
24 physician or osteopathic physician who specializes in otolaryngology.

25 (3) For the purposes of this section, "hearing instrument" and
26 "hearing aid specialist" have the same meaning as defined in RCW
27 18.35.010.

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

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

31 A health plan offered to public employees and their covered
32 dependents under this chapter issued or renewed on or after January
33 1, 2024, is subject to section 1 of this act."

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1 On page 1, at the beginning of line 2 of the title strike the
2 remainder of the title and insert "amending RCW 41.05.830; adding a
3 new section to chapter 48.43 RCW; adding a new section to chapter
4 41.05 RCW; and providing an expiration date."

EFFECT: Removes language directing OIC to include hearing instruments in any update of the state's essential health benefits.

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