

107TH CONGRESS
1ST SESSION

H. R. 2934

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

SEPTEMBER 21, 2001

Mr. FOLEY 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 “Medicare Aural
5 Rehabilitation and Hearing Aid Coverage Act of 2001”.

6 **SEC. 2. COVERAGE OF HEARING REHABILITATION.**

7 (a) COVERAGE OF AURAL REHABILITATION SERV-
8 ICES.—Section 1861(s)(2) of the Social Security Act (42

1 U.S.C. 1395x(s)(2)), as amended by sections 102(a) and
 2 105(a) of the Medicare, Medicaid, and SCHIP Benefits
 3 Improvement and Protection Act of 2000 (as enacted into
 4 law by section 1(a)(6) of Public Law 106–554), is
 5 amended—

6 (1) in subparagraph (U), by striking “and” at
 7 the end;

8 (2) in subparagraph (V) by inserting “and” at
 9 the end; and

10 (3) by adding at the end the following new sub-
 11 paragraph:

12 “(W) aural rehabilitation services (as described
 13 in subsection (ww)(2));”.

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

19 (c) DEFINITION.—Section 1861 of the Social Secu-
 20 rity Act (42 U.S.C. 1395x), as amended by sections
 21 102(b) and 105(b) of the Medicare, Medicaid, and SCHIP
 22 Benefits Improvement and Protection Act of 2000 (as en-
 23 acted into law by section 1(a)(6) of Public Law 106–554),
 24 is amended by adding at the end the following new sub-
 25 section:

1 “Hearing Rehabilitation

2 “(ww)(1) The term ‘hearing rehabilitation’ means—

3 “(A) aural rehabilitation services (described in
4 paragraph (2)) which meet such requirements as the
5 Secretary prescribes and which are furnished by a
6 physician or qualified audiologist, who is legally au-
7 thorized to furnish such services under the State law
8 (or the State regulatory mechanism provided by
9 State law) of the State in which the services are fur-
10 nished, and

11 “(B) hearing aids (as defined in paragraph
12 (3)).

13 “(2) The services described in this subparagraph
14 include—

15 “(A) aural rehabilitation services;

16 “(B) in the case of an individual who has a
17 hearing loss (as defined by the Secretary), a com-
18 prehensive audiologic assessment to determine if a
19 hearing aid is appropriate and to determine the need
20 for other diagnostic medical or audiologic testing;
21 and

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

23 “(3)(A) The term ‘hearing aid’ means a hearing aid
24 described in subparagraph (B), including the services de-
25 scribed in subparagraph (C) furnished by a physician or

1 qualified audiologist, who is legally authorized to supply
2 such hearing aid under the State law (or State regulatory
3 mechanism provided by State law) of the State in which
4 the hearing aid is supplied, to an individual described in
5 subparagraph (D).

6 “(B) A hearing aid described in this subparagraph
7 is any wearable instrument or device for, offered for the
8 purpose of, or represented as aiding individuals with, or
9 compensating for, hearing loss that meets requirements of
10 the Food and Drug Administration for marketing.

11 “(C) The services described in this subparagraph
12 include—

13 “(i) audiology services (as defined in subsection
14 (ll)(2));

15 “(ii) a hearing aid assessment to determine the
16 appropriate hearing aid for the individual;

17 “(iii) procurement of an appropriate hearing
18 aid;

19 “(iv) initial fitting and adjustment of the hear-
20 ing aid;

21 “(v) appropriate instruction on the use of the
22 hearing aid;

23 “(vi) periodic refittings and adjustments; and

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

1 “(D) The individuals described in this
2 subparagraph—

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

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

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

16 (d) INCLUSION OF AUDIOLOGY REHABILITATION
17 SERVICES.—Section 1861(ll)(2) of the Social Security Act
18 (42 U.S.C. 1395x(ll)(2)) is amended by inserting “and re-
19 habilitation” after “balance assessment”.

20 (e) EXCEPTION TO EXCLUSIONS FROM COVERAGE.—
21 Section 1862(a) of the Social Security Act (42 U.S.C.
22 1395y(a)(1)) is amended—

23 (1) in paragraph (1) by adding at the end the
24 following new subparagraph:

1 “(J) in the case of hearing rehabilitation, which
2 is furnished or supplied more frequently than is pro-
3 vided under section 1861(ww);”; and

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

6 (f) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the date of the enactment
8 of this Act, and shall apply to items and services furnished
9 on or after the date the Secretary publishes a final regula-
10 tion to carry out the provisions of this Act, but in no case
11 later than January 1, 2003.

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