

111TH CONGRESS  
1ST SESSION

# S. 1837

To amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services under the Medicare Program.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 2009

Mr. BROWN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services 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 “Medicare Hearing En-  
5 hancement and Auditory Rehabilitation (HEAR) Act of  
6 2009”.

7 **SEC. 2. MEDICARE COVERAGE OF HEARING AIDS AND AUDI-**  
8 **TORY REHABILITATION SERVICES.**

9 (a) COVERAGE OF HEARING AIDS.—

1           (1) ELIMINATION OF EXCLUSION FROM COV-  
 2 ERAGE.—Section 1862(a)(7) of the Social Security  
 3 Act (42 U.S.C. 1395y(a)(7)) is amended by striking  
 4 “hearing aids or examinations therefor,”.

5           (2) COVERAGE OF HEARING AIDS.—The Sec-  
 6 retary of Health and Human Services shall establish  
 7 national coverage determinations for hearing aids  
 8 under title XVIII of the Social Security Act based  
 9 on the coverage offered by other Federal benefit pro-  
 10 grams, such as the Department of Veterans Affairs  
 11 and Department of Defense, in consultation with  
 12 hearing health professionals and trade organizations.

13           (b) COVERAGE OF AUDITORY REHABILITATION  
 14 SERVICES.—

15           (1) IN GENERAL.—Section 1861 of the Social  
 16 Security Act (42 U.S.C. 1395x) is amended—

17                   (A) in subsection (s)(2)—

18                           (i) in subparagraph (DD), by striking  
 19 “and” at the end;

20                           (ii) in subparagraph (EE), by adding  
 21 “and” at the end; and

22                           (iii) by adding at the end the fol-  
 23 lowing new subparagraph:

24                                   “(FF) auditory services (as defined in sub-  
 25 section (ll)(2));”; and

1 (B) in subsection (ll)(2), by inserting “and  
2 such rehabilitation and treatment services”  
3 after “hearing and balance assessment serv-  
4 ices”.

5 (2) CONFORMING PAYMENT AMENDMENT.—Sec-  
6 tion 1848(j)(3) of such Act (42 U.S.C. 1395w-  
7 4(j)(3)) is amended by inserting “(2)(FF),” after  
8 “(2)(EE),”.

9 (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to items and services furnished on  
11 or after January 1, 2010.

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