

117TH CONGRESS  
1ST SESSION

# H. R. 477

To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Patient Protection and Affordable Care Act to require coverage of hearing devices and systems in certain private health insurance plans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2021

Mr. NEGUSE (for himself, Mr. MCKINLEY, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and 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

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## A BILL

To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Patient Protection and Affordable Care Act to require coverage of hearing devices and systems in certain private health insurance plans, and for other purposes.

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 “Ally’s Act”.

1 **SEC. 2. COVERAGE OF HEARING DEVICES AND SYSTEMS IN**  
2 **CERTAIN PRIVATE HEALTH INSURANCE**  
3 **PLANS.**

4 (a) PHSA.—Part A of the Public Health Service Act  
5 (42 U.S.C. 300gg et seq.) is amended by inserting after  
6 section 2713 the following new section:

7 **“SEC. 2713A. COVERAGE OF HEARING DEVICES AND SYS-**  
8 **TEMS.**

9 “(a) IN GENERAL.—Beginning with plan years begin-  
10 ning on or after January 1, 2022, a group health plan  
11 and a health insurance issuer offering group or individual  
12 health insurance coverage shall, at a minimum provide  
13 coverage for and may impose cost-sharing requirements  
14 in accordance with subsection (b) for an individual that  
15 a physician (as defined in section 1861(r) of the Social  
16 Security Act) or qualified audiologist (as defined in section  
17 1861(ll)(4)(B) of such Act) determines meets an indica-  
18 tion (including unilateral or bilateral hearing loss) for an  
19 auditory device as approved by the Food and Drug Admin-  
20 istration for—

21 “(1) auditory implant devices (including audi-  
22 tory osseointegrated (bone conduction) implants and  
23 cochlear implants) and external sound processors;

24 “(2) the maintenance of auditory implant de-  
25 vices and external sound processors described in  
26 paragraph (1);

1           “(3) every 5 years, the upgrade (or replacement  
2 if an upgrade is not available) of auditory implant  
3 devices and external sound processors described in  
4 paragraph (1);

5           “(4) adhesive adapters and softband headbands;

6           “(5) the repair of auditory implant devices and  
7 external sound processors described in paragraph  
8 (1);

9           “(6) a comprehensive hearing assessment;

10          “(7) a preoperative medical assessment;

11          “(8) surgery (as appropriate);

12          “(9) postoperative medical appointments for  
13 purposes of ensuring appropriate recovery from sur-  
14 gery;

15          “(10) postoperative audiological appointments  
16 for activation and fitting of the implant device and  
17 external sound processor; and

18          “(11) aural rehabilitation and treatment serv-  
19 ices (as appropriate).

20          “(b) COST-SHARING.—Beginning with plan years be-  
21 ginning on or after January 1, 2022, the cost-sharing in-  
22 curred under a plan or coverage described in subsection  
23 (a)—

24                 “(1) for an auditory implant device and exter-  
25                 nal sound processors under this section, shall not ex-

1       ceed a dollar amount that is the highest cost-sharing  
2       requirement for the amount of the charges imposed  
3       for such device that is provided by a physician or  
4       qualified audiologist that has a contractual relation-  
5       ship with such plan or coverage for the providing of  
6       such device;

7               “(2) for an item or service under this section,  
8       shall not exceed a dollar amount that is imposed for  
9       similar items and services under that plan that are  
10      provided by a physician or qualified audiologist; and

11              “(3) that has a contractual relationship with  
12      such plan or coverage for the providing of such  
13      items and services.”.

14      (b) ERISA.—

15              (1) IN GENERAL.—Subpart B of part 7 of sub-  
16      title B of title I of the Employee Retirement Income  
17      Security Act of 1974 (29 U.S.C. 1185 et seq.) by  
18      adding at the end the following new section:

19      **“SEC. 726. COVERAGE OF HEARING DEVICES AND SYSTEMS.**

20              “(a) IN GENERAL.—Beginning with plan years begin-  
21      ning on or after January 1, 2022, a group health plan  
22      and a health insurance issuer offering group or health in-  
23      surance coverage shall, at a minimum provide coverage for  
24      and may impose cost-sharing requirements in accordance  
25      with subsection (b) for an individual that a physician (as

1 defined in section 1861(r) of the Social Security Act) or  
2 qualified audiologist (as defined in section 1861(ll)(4)(B)  
3 of such Act) determines meets an indication (including  
4 unilateral or bilateral hearing loss) for an auditory device  
5 as approved by the Food and Drug Administration for—

6           “(1) auditory implant devices (including audi-  
7 tory osseointegrated (bone conduction) implants and  
8 cochlear implants) and external sound processors;

9           “(2) the maintenance of auditory implant de-  
10 vices and external sound processors described in  
11 paragraph (1);

12           “(3) every 5 years, the upgrade (or replacement  
13 if an upgrade is not available) of auditory implant  
14 devices and external sound processors described in  
15 paragraph (1);

16           “(4) adhesive adapters and softband headbands;

17           “(5) the repair of auditory implant devices and  
18 external sound processors described in paragraph  
19 (1);

20           “(6) a comprehensive hearing assessment;

21           “(7) a preoperative medical assessment;

22           “(8) surgery (as appropriate);

23           “(9) postoperative medical appointments for  
24 purposes of ensuring appropriate recovery from sur-  
25 gery;

1           “(10) postoperative audiological appointments  
2           for activation and fitting of the implant device and  
3           external sound processor; and

4           “(11) aural rehabilitation and treatment serv-  
5           ices (as appropriate).

6           “(b) COST-SHARING.—Beginning with plan years be-  
7           ginning on or after January 1, 2022, the cost-sharing in-  
8           curred under a plan or coverage described in subsection  
9           (a)—

10           “(1) for an auditory implant device and exter-  
11           nal sound processors under this section, shall not ex-  
12           ceed a dollar amount that is the highest cost-sharing  
13           requirement for the amount of the charges imposed  
14           for such device that is provided by a physician or  
15           qualified audiologist that has a contractual relation-  
16           ship with such plan or coverage for the providing of  
17           such device;

18           “(2) for an item or service under this section,  
19           shall not exceed a dollar amount that is imposed for  
20           similar items and services under that plan that are  
21           provided by a physician or qualified audiologist; and

22           “(3) that has a contractual relationship with  
23           such plan or coverage for the providing of such  
24           items and services.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
 2           tents in section 1 of the Employee Retirement In-  
 3           come Security Act of 1974 (29 U.S.C. 1001 et seq.)  
 4           is amended by inserting after the item relating to  
 5           section 725 the following new item:

“Sec. 726. Coverage of hearing devices and systems.”.

6           (c) IRC.—

7           (1) IN GENERAL.—Subchapter B of chapter  
 8           100 of the Internal Revenue Code of 1986, is  
 9           amended by adding at the end the following new sec-  
 10          tion:

11       **“SEC. 9286. COVERAGE OF HEARING DEVICES AND SYS-**  
 12               **TEMS.**

13       “(a) IN GENERAL.—Beginning with plan years begin-  
 14       ning on or after January 1, 2022, a group health plan  
 15       shall, at a minimum provide coverage for and may impose  
 16       cost-sharing requirements in accordance with subsection  
 17       (b) for an individual that a physician (as defined in section  
 18       1861(r) of the Social Security Act) or qualified audiologist  
 19       (as defined in section 1861(ll)(4)(B) of such Act) deter-  
 20       mines meets an indication (including unilateral or bilateral  
 21       hearing loss) for an auditory device as approved by the  
 22       Food and Drug Administration for—

23               “(1) auditory implant devices (including audi-  
 24               tory osseointegrated (bone conduction) implants and  
 25               cochlear implants) and external sound processors;

1           “(2) the maintenance of auditory implant de-  
2           vices and external sound processors described in  
3           paragraph (1);

4           “(3) every 5 years, the upgrade (or replacement  
5           if an upgrade is not available) of auditory implant  
6           devices and external sound processors described in  
7           paragraph (1);

8           “(4) adhesive adapters and softband headbands;

9           “(5) the repair of auditory implant devices and  
10          external sound processors described in paragraph  
11          (1);

12          “(6) a comprehensive hearing assessment;

13          “(7) a preoperative medical assessment;

14          “(8) surgery (as appropriate);

15          “(9) postoperative medical appointments for  
16          purposes of ensuring appropriate recovery from sur-  
17          gery;

18          “(10) postoperative audiological appointments  
19          for activation and fitting of the implant device and  
20          external sound processor; and

21          “(11) aural rehabilitation and treatment serv-  
22          ices (as appropriate).

23          “(b) COST-SHARING.—Beginning with plan years be-  
24          ginning on or after January 1, 2022, the cost-sharing in-  
25          curred under a plan described in subsection (a)—



1           “(1) for an auditory implant device and exter-  
2           nal sound processors under this section, shall not ex-  
3           ceed a dollar amount that is the highest cost-sharing  
4           requirement for the amount of the charges imposed  
5           for such device that is provided by a physician or  
6           qualified audiologist that has a contractual relation-  
7           ship with such plan for the providing of such device;

8           “(2) for an item or service under this section,  
9           shall not exceed a dollar amount that is imposed for  
10          similar items and services under that plan that are  
11          provided by a physician or qualified audiologist; and

12          “(3) that has a contractual relationship with  
13          such plan for the providing of such items and serv-  
14          ices.”.

15          (2) CLERICAL AMENDMENT.—The table of sec-  
16          tions for subchapter B of chapter 100 of the Inter-  
17          nal Revenue Code of 1986 is amended by inserting  
18          after the item relating to section 9825 the following  
19          new item:

“Sec. 9286. Coverage of hearing devices and systems.”.

20          (d) APPLICATION TO GRANDFATHERED HEALTH  
21          PLANS.—Section 1251(a)(4)(A) of the Patient Protection  
22          and Affordable Care Act (42 U.S.C. 18011(a)(4)(A)) is  
23          amended—

1           (1) by striking “title” and inserting “title, or as  
2 added after the date of the enactment of this Act”;  
3 and

4           (2) by adding at the end the following new  
5 clause:

6                           “(v) Section 2713A (relating to hear-  
7                           ing devices and systems).”.

8           (3) EFFECTIVE DATE.—The amendments made  
9 by this subsection shall apply with respect to plan  
10 years beginning on or after January 1, 2022.

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