



State & Local Compliance Update

USI EMPLOYEE BENEFITS

May 9, 2023

Coverage for Hearing Instruments Under New Washington Law

Under a new Washington insurance law,¹ non-grandfathered large group² health plans issued or renewed on or after January 1, 2024, will be required to provide coverage for hearing instruments, except over-the-counter (“OTC”)³ instruments, including bone-conduction hearing devices. This requirement also applies to health plans offered to public employees and their dependents issued or renewed on or after January 1, 2024.⁴

This coverage requirement does not apply to:

- Small group insurance; and
- ERISA self-funded group health plans.

Briefly:

- Coverage must include the hearing instrument, the initial assessment, fitting, adjustment, auditory training, and ear molds, as necessary, to maintain optimal fit.
- Coverage must be provided at no less than \$3,000 per ear with hearing loss every 36 months.
- The benefit is not subject to the deductible. There is an exception for qualified high deductible health plans (“HDHP”) used with a health savings account (“HSA”). In this case, the carrier may apply a deductible to the coverage, but only at the minimum level necessary to preserve HSA eligibility.
- Coverage for minors under age 18 is only available after the child has received medical clearance within the preceding 6 months from:

¹ ESHB 1222, <https://app.leg.wa.gov/billssummary?BillNumber=1222&Year=2023&Initiative=false>.

² This means group health insurance coverage for an employer with 51 or more employees.

³ For purposes of these requirements, an OTC hearing instrument is defined as an air conduction hearing aid that does not require implantation or other surgical intervention, and is intended for use by a person age 18 or older to compensate for perceived mild to moderate hearing impairment. The device allows the user to control the hearing aid and customize it to the user's hearing needs and may use wireless technology or may include tests for self-assessment of hearing loss. The device is available OTC, without prescription, involvement, or intervention of a licensed person, to consumers.

⁴ Beginning in 2019, health plans offered to public employees were required to include coverage for hearing instructions every five years. This provision sunsets December 31, 2023.

- An otolaryngologist for an initial evaluation of hearing loss; or
- A licensed physician, which indicates there has not been a substantial change in clinical status since the initial evaluation by an otolaryngologist.

EMPLOYER NEXT STEPS

- Large employers with fully insured group health plans in Washington should anticipate this new coverage requirement with their first renewal on or after January 1, 2024.
- Health plans offered to public employees should review existing coverage and update for applicable changes with the first renewal on or after January 1, 2024.
- It's unlikely this coverage change will materially impact rates.
- Expect to see additional communications from your carriers as renewal approaches.

FOR MORE INFORMATION

- ESHB 1222, <https://lawfilesexxt.leg.wa.gov/biennium/2023-24/Pdf/Bills/House%20Passed%20Legislature/1222-S.PL.pdf?q=20230505103603>

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