

117TH CONGRESS
1ST SESSION

H. R. 1106

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

FEBRUARY 18, 2021

Mr. CARTWRIGHT (for himself, Mr. KATKO, Ms. CLARKE of New York, Mr. GRIJALVA, Mr. HASTINGS, Ms. JACKSON LEE, Ms. MCCOLLUM, Mr. MCKINLEY, Mr. NADLER, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 “Help Extend Auditory
5 Relief Act of 2021” or the “HEAR Act of 2021”.

1 **SEC. 2. MEDICARE COVERAGE OF HEARING REHABILITA-**
2 **TION.**

3 (a) COVERAGE OF AURAL REHABILITATION SERV-
4 ICES.—Section 1861(s)(2) of the Social Security Act (42
5 U.S.C. 1395x(s)(2)) is amended—

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

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

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

12 “(II) aural rehabilitation services (as described
13 in subsection (III)(1)(A));”.

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 (III)(3))” be-
18 fore the period.

19 (c) HEARING REHABILITATION AND HEARING AID
20 DEFINED.—Section 1861 of the Social Security Act (42
21 U.S.C. 1395x) is amended by adding at the end the fol-
22 lowing new subsection:

23 “Hearing Rehabilitation

24 “(kkk)(1) The term ‘hearing rehabilitation’ means—

25 “(A) aural rehabilitation services (described in
26 paragraph (2)) which meet such requirements as the

1 Secretary prescribes and which are furnished by a
2 physician or qualified audiologist, who is legally au-
3 thorized to furnish such services under the State law
4 (or the State regulatory mechanism provided by
5 State law) of the State in which the services are fur-
6 nished; and

7 “(B) hearing aids (as defined in paragraph
8 (3)).

9 “(2) The services described in this subparagraph in-
10 clude—

11 “(A) aural rehabilitation services;

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

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

19 “(3)(A) The term ‘hearing aid’ means a hearing aid
20 described in subparagraph (B), including the services de-
21 scribed in subparagraph (C) furnished by a physician or
22 qualified audiologist, who is legally authorized to supply
23 such hearing aid under the State law (or State regulatory
24 mechanism provided by State law) of the State in which

1 the hearing aid is supplied, to an individual described in
2 subparagraph (D).

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

8 “(C) The services described in this subparagraph in-
9 clude—

10 “(i) audiology services (as defined in subsection
11 (ll)(2));

12 “(ii) a hearing aid assessment to determine the
13 appropriate hearing aid for the individual;

14 “(iii) procurement of an appropriate hearing
15 aid;

16 “(iv) initial fitting and adjustment of the hear-
17 ing aid;

18 “(v) appropriate instruction on the use of the
19 hearing aid;

20 “(vi) periodic refittings and adjustments; and

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

23 “(D) The individuals described in this subpara-
24 graph—

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

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

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

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

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

21 (1) in paragraph (1)—

22 (A) in subparagraph (O), by striking
 23 “and” at the end;

24 (B) in subparagraph (P); by striking the
 25 semicolon at the end and inserting “, and”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(Q) in the case of hearing rehabilitation, which
4 is furnished or supplied more frequently than is pro-
5 vided under section 1861(III)(3)(D)(ii).”; and

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

8 (f) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the date of the enactment
10 of this Act, and shall apply to items and services furnished
11 on or after a date specified by the Secretary of Health
12 and Human Services that is not sooner than January 1
13 of the first year beginning after such date of enactment
14 and not later than January 1 of the third year beginning
15 after such date of enactment.

○