

2186--A

2013-2014 Regular Sessions

I N   S E N A T E

January 14, 2013

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Introduced by Sens. ROBACH, ADAMS, BRESLIN, GRISANTI, MARCHIONE, NOZZO-  
LIO, PARKER, VALESKY -- read twice and ordered printed, and when  
printed to be committed to the Committee on Health -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

AN ACT to amend the public health law, in relation to providing that  
persons with hemophilia and other clotting protein deficiencies who  
are otherwise eligible for the Child Health Plus program shall have  
access to reimbursement for outpatient blood clotting factor concen-  
trates and other necessary treatments and services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1.     Legislative findings. Hemophilia is a rare hereditary  
2 bleeding disorder resulting from a deficiency in blood proteins known as  
3 clotting factors. Without an adequate supply of clotting factors, indi-  
4 viduals can experience prolonged bleeding following routine medical and  
5 dental procedures, trauma, and a range of physical activities. Addi-  
6 tionally, individuals with hemophilia often experience spontaneous  
7 internal bleeding that can cause severe joint damage, chronic pain, and  
8 even death.  
9     Prior to the 1970s, individuals with hemophilia seldom lived beyond  
10 the age of 30 years. Early treatment consisted of whole blood and plasma  
11 transfusions at hospitals. These treatments were difficult, time consum-  
12 ing and only minimally effective. The advent of commercially prepared  
13 blood clotting factors in the 1980s represented a major advance in  
14 treatment, both in terms of efficacy and convenience. Most importantly,  
15 these advances allowed for home infusion.  
16     In addition to hemophilia, there are several other disorders resulting  
17 from blood protein deficiencies. These include Von Willebrand Disease  
18 (VWD), the most common bleeding disorder, affecting approximately two  
19 million Americans. Individuals with the severest form of VWD rely on

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 clotting factor treatments similar to those used by individuals with  
2 hemophilia.

3 Clotting factor products produced today (derived from plasma or recom-  
4 binant technology) are very safe and highly effective medications.  
5 Access to therapies has vastly improved both the health outcomes and  
6 quality of life for the majority of patients and their families. Many  
7 patients today are on a prophylactic regimen to prevent bleeding  
8 episodes. This preventative regimen together with the coordinated care  
9 provided by hemophilia treatment centers have significantly reduced  
10 visits to emergency rooms, hospitalizations and joint damage. Further,  
11 the ability to manage hemophilia and other bleeding disorders outside of  
12 the hospital setting have helped improve attendance for school-aged  
13 children, decreased absenteeism from work for adult patients and care-  
14 givers, vastly improved the ability of affected persons to join the work  
15 force, and minimized life disruptions for the entire family.

16 Presently, New York state is the only state in the U.S. preventing  
17 access to lifesaving outpatient clotting factor products for individuals  
18 that qualify for the State Children's Health Insurance Program.

19 The legislature finds that having a policy that prohibits otherwise  
20 eligible individuals from accessing lifesaving medications not only  
21 violates the spirit of these very important programs, it discriminates  
22 against a vulnerable group of individuals whose health care costs are  
23 deemed to be high and fundamentally undermines the programs' overall  
24 goal of ensuring that low-income children and families have access to  
25 quality health care. The legislature further finds that costs to the  
26 state for allowing individuals who qualify for Child Health Plus to  
27 access the outpatient clotting products at home, the recommended model  
28 of care, will be much less than the long-term costs the state will very  
29 likely end up paying through the Medicaid program for individuals who  
30 later develop debilitating complications and are deemed unable to work.

31 This legislation is intended to modify existing state law by allowing  
32 for the coverage of lifesaving clotting factor products prescribed for  
33 use at home by persons with hemophilia and other clotting protein defi-  
34 ciencies who are eligible for the Child Health Plus program.

35 S 2. Subdivision 7 of section 2510 of the public health law, as  
36 amended by section 21 of part B of chapter 109 of the laws of 2010, is  
37 amended to read as follows:

38 7. "Covered health care services" means: the services of physicians,  
39 optometrists, nurses, nurse practitioners, midwives and other related  
40 professional personnel which are provided on an outpatient basis,  
41 including routine well-child visits; diagnosis and treatment of illness  
42 and injury; inpatient health care services; laboratory tests; diagnostic  
43 x-rays; prescription and non-prescription drugs and durable medical  
44 equipment; radiation therapy; chemotherapy; hemodialysis; OUTPATIENT  
45 BLOOD CLOTTING FACTOR PRODUCTS AND OTHER TREATMENTS AND SERVICES  
46 FURNISHED IN CONNECTION WITH THE CARE OF HEMOPHILIA AND OTHER BLOOD  
47 CLOTTING PROTEIN DEFICIENCIES; emergency room services; hospice  
48 services; emergency, preventive and routine dental care, including  
49 medically necessary orthodontia but excluding cosmetic surgery; emergen-  
50 cy, preventive and routine vision care, including eyeglasses; speech and  
51 hearing services; and, inpatient and outpatient mental health, alcohol  
52 and substance abuse services as defined by the commissioner in consulta-  
53 tion with the superintendent. "Covered health care services" shall not  
54 include drugs, procedures and supplies for the treatment of erectile  
55 dysfunction when provided to, or prescribed for use by, a person who is  
56 required to register as a sex offender pursuant to article six-C of the

1 correction law, provided that any denial of coverage of such drugs,  
2 procedures or supplies shall provide the patient with the means of  
3 obtaining additional information concerning both the denial and the  
4 means of challenging such denial.

5 S 3. Paragraph a of subdivision 7 of section 2510 of the public health  
6 law, as amended by chapter 526 of the laws of 2002, is amended to read  
7 as follows:

8 a. "Primary and preventive health care services" means: the services  
9 of physicians, optometrists, nurses, nurse practitioners, midwives and  
10 other related professional personnel which are provided on an outpatient  
11 basis, including routine well-child visits; diagnosis and treatment of  
12 illness and injury; laboratory tests; diagnostic x-rays; prescription  
13 drugs; radiation therapy; chemotherapy; hemodialysis; OUTPATIENT BLOOD  
14 CLOTTING FACTOR PRODUCTS AND OTHER TREATMENTS AND SERVICES FURNISHED IN  
15 CONNECTION WITH THE CARE OF HEMOPHILIA AND OTHER BLOOD CLOTTING PROTEIN  
16 DEFICIENCIES; emergency room services; hospice services; and, outpatient  
17 alcohol and substance abuse services as defined by the commissioner in  
18 consultation with the superintendent.

19 S 4. This act shall take effect on the first of April next succeeding  
20 the date upon which it shall have become a law, provided that the amend-  
21 ments to subdivision 7 of section 2510 of the public health law made by  
22 section two of this act shall be subject to the expiration and reversion  
23 of such subdivision pursuant to subdivision 4 of section 47 of chapter 2  
24 of the laws of 1998, as amended, when upon such date the provisions of  
25 section three of this act shall take effect.