

STATE OF NEW YORK

2279

2019-2020 Regular Sessions

IN SENATE

January 23, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the executive law, in relation to HIV post-exposure prophylaxis and other health care services for sexual assault victims

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 1 of section 2805-i of the
2 public health law, as amended by section 1 of part HH of chapter 57 of
3 the laws of 2018, is amended to read as follows:

4 (c) offering and making available appropriate HIV post-exposure treat-
5 ment therapies; including a [~~seven day starter pack~~] full regimen of HIV
6 post-exposure prophylaxis, in cases where it has been determined, in
7 accordance with guidelines issued by the commissioner, that a signif-
8 icant exposure to HIV has occurred[, ~~and informing the victim that~~
9 ~~payment assistance for such therapies may be available from the office~~
10 ~~of victim services pursuant to the provisions of article twenty-two of~~
11 ~~the executive law~~]. With the consent of the victim of a sexual assault,
12 the hospital emergency room department shall provide or arrange for an
13 appointment for medical follow-up related to HIV post-exposure prophy-
14 laxis and other care as appropriate , and inform the victim that payment
15 assistance for such care may be available from the office of victim
16 services pursuant to the provisions of article twenty-two of the execu-
17 tive law; and

18 § 2. Subdivision 13 of section 631 of the executive law, as amended by
19 section 3 of part HH of chapter 57 of the laws of 2018, is amended to
20 read as follows:

21 13. Notwithstanding any other provision of law, rule, or regulation to
22 the contrary, when any New York state accredited hospital, accredited
23 sexual assault examiner program, or licensed health care provider
24 furnishes services to any sexual assault survivor, including but not

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

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1 limited to a health care forensic examination in accordance with the sex
2 offense evidence collection protocol and standards established by the
3 department of health, such hospital, sexual assault examiner program, or
4 licensed healthcare provider shall provide such services to the person
5 without charge and shall bill the office directly. The office, in
6 consultation with the department of health, shall define the specific
7 services to be covered by the sexual assault forensic exam reimbursement
8 fee, which must include at a minimum forensic examiner services, hospi-
9 tal or healthcare facility services related to the exam, and related
10 laboratory tests and necessary pharmaceuticals; including but not limit-
11 ed to HIV post-exposure prophylaxis provided by a hospital emergency
12 room at the time of the forensic rape examination pursuant to paragraph
13 (c) of subdivision one of section twenty-eight hundred five-i of the
14 public health law. Follow-up HIV post-exposure prophylaxis costs shall
15 ~~[continue to]~~ be billed by the health care provider to the office
16 directly and reimbursed ~~[according to established office procedure]~~ by
17 the office directly. The office, in consultation with the department of
18 health, shall also generate the necessary regulations and forms for the
19 direct reimbursement procedure. The rate for reimbursement shall be the
20 amount of itemized charges not exceeding eight hundred dollars, to be
21 reviewed and adjusted annually by the office in consultation with the
22 department of health. The hospital, sexual assault examiner program, or
23 licensed health care provider must accept this fee as payment in full
24 for these specified services. No additional billing of the survivor for
25 said services is permissible. A sexual assault survivor may voluntarily
26 assign any private insurance benefits to which she or he is entitled for
27 the healthcare forensic examination, in which case the hospital or
28 healthcare provider may not charge the office; provided, however, in the
29 event the sexual assault survivor assigns any private health insurance
30 benefit, such coverage shall not be subject to annual deductibles or
31 coinsurance or balance billing by the hospital, sexual assault examiner
32 program or licensed health care provider. A hospital, sexual assault
33 examiner program or licensed health care provider shall, at the time of
34 the initial visit, request assignment of any private health insurance
35 benefits to which the sexual assault survivor is entitled on a form
36 prescribed by the office; provided, however, such sexual assault survi-
37 vor shall be advised orally and in writing that he or she may decline to
38 provide such information regarding private health insurance benefits if
39 he or she believes that the provision of such information would substan-
40 tially interfere with his or her personal privacy or safety and in such
41 event, the sexual assault forensic exam fee shall be paid by the office.
42 Such sexual assault survivor shall also be advised that providing such
43 information may provide additional resources to pay for services to
44 other sexual assault victims. If he or she declines to provide such
45 health insurance information, he or she shall indicate such decision on
46 the form provided by the hospital, sexual assault examiner program or
47 licensed health care provider, which form shall be prescribed by the
48 office.

49 § 3. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law; provided that effective immediately, the
51 commissioner of health and the director of the office of victim services
52 shall make regulations and take other action necessary to implement this
53 act on such date.