

STATE OF NEW YORK

7408

2021-2022 Regular Sessions

IN ASSEMBLY

May 7, 2021

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to financial responsibility for human postexposure treatment for rabies

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

1 Section 1. Subdivisions 3 and 6 of section 2145 of the public health
2 law, as added by chapter 180 of the laws of 2002, are amended and a new
3 subdivision 5-a is added to read as follows:

4 3. Human postexposure treatment specifically authorized by the county
5 health authority shall be rendered by the provider or providers selected
6 by the county health authority, located within the county or the vicinity
7 thereof, and [~~approved~~] shall be considered sufficient authorization
8 for pre-approval by the person's health insurance carrier or managed
9 care plan if pre-approval is required by the health insurance carrier or
10 managed care plan, provided that:

11 (a) any person may, at his or her option, be treated at his or her own
12 expense by the health care provider of his or her choice without
13 approval by the county health authority,

14 (b) the county health authority may, at its option, assume financial
15 responsibility for necessary treatment rendered by other providers;
16 provided, however, that the county health authority shall not be obli-
17 gated to assume financial responsibility if notified after the
18 completion of treatment. If evidence of approval of the county health
19 authority has not been provided, health care providers must report
20 initiation of rabies postexposure prophylaxis within twenty-four hours
21 of the first treatment,

22 (c) the county shall authorize initial treatment from a provider or
23 providers geographically accessible to the location of the exposed
24 person at the time that treatment is determined to be necessary, and

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

LBD11015-01-1

(d) the county shall authorize post-initial treatment from a provider or providers geographically accessible to the exposed person's residence if the person returns to his or her residence during the course of treatment.

5-a. Health care providers shall accept payments by the county health authority for human postexposure treatment at a rate set by the commissioner; provided that such reimbursement shall be no less than the Medicaid rate.

6. Under the terms of this title, the county health authority is not responsible for:

(a) services and expenses of human postexposure treatment that were not specifically authorized by the county health authority, except for completion of treatment for their residents exposed and started on rabies treatment in New York city or elsewhere outside of New York state. Treatment started in New York city shall be confirmed as necessary treatment by the New York city department of health and mental hygiene, or the department,

(b) services and expenses of medical treatment unrelated to the prevention of rabies infection such as wound suturing and measures to control bacterial infection of bite wounds, and

(c) expenses of preexposure rabies vaccination.

§ 2. This act shall take effect immediately.