

669--C

Cal. No. 440

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I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. JAFFEE, SCHIMEL, KOLB, BENEDETTO, CALHOUN, CAHILL, ZEBROWSKI, GUNTHER, JEFFRIES, PAULIN, SWEENEY, GOTTFRIED, MAISEL, FINCH, O'DONNELL, MARKEY, N. RIVERA, ROSENTHAL, P. RIVERA, LAVINE, ENGLEBRIGHT, ABINANTI, TITONE, ROBERTS -- Multi-Sponsored by -- M. of A. BOYLAND, BRAUNSTEIN, CLARK, COLTON, CROUCH, GALEF, HEASTIE, HOOPER, JACOBS, KELLNER, LATIMER, P. LOPEZ, LUPARDO, MAGNARELLI, McDONOUGH, McENENY, MURRAY, ROBINSON, SCARBOROUGH, TOBACCO, WEISENBERG -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law and the executive law, in relation to financial assistance from the office of victim services for HIV post-exposure prophylaxis treatment for victims of sexual assault

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 39 of part A-1 of chapter 56 of  
3     the laws of 2010, 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 OF HIV POST-EXPOSURE  
6     PROPHYLAXIS, in cases where it has been determined, in accordance with  
7     guidelines issued by the commissioner, that a significant exposure to  
8     HIV has occurred, and informing the victim that payment assistance for  
9     such therapies may be available from the office of victim services  
10    pursuant to the provisions of article twenty-two of the executive law.

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

LBD03995-06-2

1 WITH THE CONSENT OF THE VICTIM OF A SEXUAL ASSAULT, THE HOSPITAL EMER-  
2 GENCY ROOM DEPARTMENT SHALL PROVIDE OR ARRANGE FOR AN APPOINTMENT FOR  
3 MEDICAL FOLLOW-UP RELATED TO HIV POST-EXPOSURE PROPHYLAXIS AND OTHER  
4 CARE AS APPROPRIATE.

5 S 2. Subdivision 13 of section 631 of the executive law, as amended by  
6 section 22 of part A-1 of chapter 56 of the laws of 2010, is amended to  
7 read as follows:

8 13. Notwithstanding any other provision of law, rule, or regulation to  
9 the contrary, when any New York state accredited hospital, accredited  
10 sexual assault examiner program, or licensed health care provider  
11 furnishes services to any sexual assault survivor, including but not  
12 limited to a health care forensic examination in accordance with the sex  
13 offense evidence collection protocol and standards established by the  
14 department of health, such hospital, sexual assault examiner program, or  
15 licensed healthcare provider shall provide such services to the person  
16 without charge and shall bill the office directly. The office, in  
17 consultation with the department of health, shall define the specific  
18 services to be covered by the sexual assault forensic exam reimbursement  
19 fee, which must include at a minimum forensic examiner services, hospi-  
20 tal or healthcare facility services related to the exam, and related  
21 laboratory tests and NECESSARY pharmaceuticals; INCLUDING BUT NOT LIMIT-  
22 ED TO HIV POST-EXPOSURE PROPHYLAXIS PROVIDED BY A HOSPITAL EMERGENCY  
23 ROOM AT THE TIME OF THE FORENSIC RAPE EXAMINATION PURSUANT TO PARAGRAPH  
24 (C) OF SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED FIVE-I OF THE  
25 PUBLIC HEALTH LAW. Follow-up HIV post-exposure prophylaxis costs shall  
26 continue to be reimbursed according to established office procedure. The  
27 office, in consultation with the department of health, shall also gener-  
28 ate the necessary regulations and forms for the direct reimbursement  
29 procedure. The rate for reimbursement shall be the amount of itemized  
30 charges not exceeding eight hundred dollars, to be reviewed and adjusted  
31 annually by the office in consultation with the department of health.  
32 The hospital, sexual assault examiner program, or licensed health care  
33 provider must accept this fee as payment in full for these specified  
34 services. No additional billing of the survivor for said services is  
35 permissible. A sexual assault survivor may voluntarily assign any  
36 private insurance benefits to which she or he is entitled for the  
37 healthcare forensic examination, in which case the hospital or health-  
38 care provider may not charge the office. A hospital, sexual assault  
39 examiner program or licensed health care provider shall, at the time of  
40 the initial visit, request assignment of any private health insurance  
41 benefits to which the sexual assault survivor is entitled on a form  
42 prescribed by the office; provided, however, such sexual assault survi-  
43 vor shall be advised orally and in writing that he or she may decline to  
44 provide such information regarding private health insurance benefits if  
45 he or she believes that the provision of such information would substan-  
46 tially interfere with his or her personal privacy or safety and in such  
47 event, the sexual assault forensic exam fee shall be paid by the office.  
48 Such sexual assault survivor shall also be advised that providing such  
49 information may provide additional resources to pay for services to  
50 other sexual assault victims. If he or she declines to provide such  
51 health insurance information, he or she shall indicate such decision on  
52 the form provided by the hospital, sexual assault examiner program or  
53 licensed health care provider, which form shall be prescribed by the  
54 office.

55 S 3. This act shall take effect on the one hundred eightieth day after  
56 it shall have become a law.