

962--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KELLNER, CROUCH, FINCH, GOTTFRIED -- Multi-Sponsored by -- M. of A. CURRAN, CUSICK, HEVESI, LENTOL, LUPARDO, MARKEY, MOSLEY, WALTER -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- 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 concentrates and other necessary treatments and services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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

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

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1 (VWD), the most common bleeding disorder, affecting approximately two
2 million Americans. Individuals with the severest form of VWD rely on
3 clotting factor treatments similar to those used by individuals with
4 hemophilia.

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

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

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

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

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

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

1 dysfunction when provided to, or prescribed for use by, a person who is
2 required to register as a sex offender pursuant to article six-C of the
3 correction law, provided that any denial of coverage of such drugs,
4 procedures or supplies shall provide the patient with the means of
5 obtaining additional information concerning both the denial and the
6 means of challenging such denial.

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

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

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