

10503

I N A S S E M B L Y

May 31, 2016

Introduced by M. of A. PEOPLES-STOKES, GOTTFRIED -- read once and referred 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 chapter 39 of the laws of 2012, is  
3 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.

18 S 2. Subdivision 13 of section 631 of the executive law, as amended by  
19 chapter 39 of the laws of 2012, is amended to read as follows:

20 13. Notwithstanding any other provision of law, rule, or regulation to  
21 the contrary, when any New York state accredited hospital, accredited  
22 sexual assault examiner program, or licensed health care provider  
23 furnishes services to any sexual assault survivor, including but not  
24 limited to a health care forensic examination in accordance with the sex  
25 offense evidence collection protocol and standards established by the  
26 department of health, such hospital, sexual assault examiner program, or  
27 licensed healthcare provider shall provide such services to the person

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

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

41 S 3. This act shall take effect on the one hundred eightieth day after  
42 it shall have become a law; provided that effective immediately, the  
43 commissioner of health and the director of the office of victim services  
44 shall make regulations and take other action necessary to implement this  
45 act on such date.