STATE OF NEW YORK

7281--A

2019-2020 Regular Sessions

IN ASSEMBLY

April 18, 2019

Introduced by M. of A. GOTTFRIED, ARROYO, BRONSON, COLTON, COOK, CRUZ, DE LA ROSA, GLICK, GUNTHER, GRIFFIN, HEVESI, JAFFEE, McDONOUGH, NIOU, ORTIZ, REYES, SAYEGH, SCHMITT, SEAWRIGHT, SIMON, SIMOTAS, TAYLOR, THIELE, WOERNER, WRIGHT, MAGNARELLI, FERNANDEZ, D. ROSENTHAL -- Multi-Sponsored by -- M. of A. GALEF, LENTOL, NOLAN -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the insurance law, in relation to prohibiting health insurers from requiring prior authorization for pre-exposure prophylaxis used to prevent HIV infection

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

Section 1. Section 4406-c of the public health law is amended by adding a new subdivision 11 to read as follows:

11. A health care plan which provides prescription drug coverage shall not require a prior authorization determination for pre-exposure prophylaxis used to prevent HIV infection. Nothing in this subdivision shall prohibit a health care plan from denying a claim for such services if the services are subsequently determined not medically necessary.

§ 2. Section 3217-b of the insurance law is amended by adding a new subsection (m) to read as follows:

(m) An insurer which provides prescription drug coverage shall not require a prior authorization determination for pre-exposure prophylaxis used to prevent HIV infection. Nothing in this subsection shall prohibit an insurer from denying a claim for such services if the services are subsequently determined not medically necessary.

§ 3. Section 4325 of the insurance law is amended by adding a new subsection (n) to read as follows:

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

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(n) A corporation organized under this article which provides prescription drug coverage shall not require a prior authorization determination for pre-exposure prophylaxis used to prevent HIV infection. Nothing in this subsection shall prohibit a corporation organized under this article from denying a claim for such services if the services are subsequently determined not medically necessary.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.