

# STATE OF NEW YORK

1204

2019-2020 Regular Sessions

## IN ASSEMBLY

January 14, 2019

Introduced by M. of A. PEOPLES-STOKES, GOTTFRIED, MOSLEY, JAFFEE, GALEF,  
JEAN-PIERRE, DE LA ROSA -- Multi-Sponsored by -- M. of A. BRAUNSTEIN  
-- 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 Assem-  
bly, 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 1 of part HH of chapter 57 of  
3 the laws of 2018, 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~~] 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; and

18 § 2. Subdivision 13 of section 631 of the executive law, as amended by  
19 section 3 of part HH of chapter 57 of the laws of 2018, is amended to  
20 read as follows:

21 13. Notwithstanding any other provision of law, rule, or regulation to  
22 the contrary, when any New York state accredited hospital, accredited  
23 sexual assault examiner program, or licensed health care provider

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

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

50 § 3. This act shall take effect on the one hundred eightieth day after  
51 it shall have become a law; provided that effective immediately, the  
52 commissioner of health and the director of the office of victim services  
53 shall make regulations and take other action necessary to implement this  
54 act on such date.