

# STATE OF NEW YORK

2279

2019-2020 Regular Sessions

## IN SENATE

January 23, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed 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 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  
24 furnishes services to any sexual assault survivor, including but not

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

LBD04742-01-9

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

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