STATE OF NEW YORK

6059--C

2023-2024 Regular Sessions

IN ASSEMBLY

March 31, 2023

Introduced by M. of A. SIMONE, BRONSON, COLTON, COOK, CRUZ, GLICK, GUNTHER, HEVESI, McDONOUGH, REYES, SAYEGH, SEAWRIGHT, SIMON, TAYLOR, THIELE, WOERNER, MAGNARELLI, JACOBSON, HUNTER, GONZALEZ-ROJAS, EPSTEIN, DAVILA, BURDICK, RAGA, BORES -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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 14 to read as follows:

14. 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, provided that the health care plan can confirm that the subscriber prescribed pre-exposure prophylaxis has tested negative for HIV within the previous one hundred twenty days. Nothing in this subdivision shall prohibit a health care plan from requiring a subscriber undergo a step therapy protocol subject to article forty-nine of this chapter before providing coverage of the prescribed drug or denying a claim for such services if the services are subsequently determined not to be medically necessary.

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

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

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(p) An insurer which provides prescription drug coverage shall not require a prior authorization determination for pre-exposure prophylaxis used to prevent HIV infection, provided that the insurer can confirm that the insured prescribed pre-exposure prophylaxis has tested negative for HIV within the previous one hundred twenty days. Nothing in this subsection shall prohibit an insurer from requiring an insured undergo a step therapy protocol subject to article forty-nine of this chapter before providing coverage of the prescribed drug or denying a claim for such services if the services are subsequently determined not to be medically necessary.

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

(p) 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, provided that the corporation can confirm that the insured prescribed pre-exposure prophylaxis has tested negative for HIV within the previous one hundred twenty days. Nothing in this subsection shall prohibit a corporation organized under this article from requiring an insured undergo a step therapy protocol subject to article forty-nine of this chapter before providing coverage of the prescribed drug or denying a claim for such services if the services are subsequently determined not to be medically necessary.

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