

STATE OF NEW YORK

5374

2023-2024 Regular Sessions

IN SENATE

March 3, 2023

Introduced by Sen. HARCKHAM -- 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 insurance law, in relation to prohibiting health insurers from requiring prior authorization for anti-retroviral medication used to treat and prevent HIV infection

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

1 Section 1. Section 4406-c of the public health law is amended by
2 adding a new subdivision 13 to read as follows:

3 13. A health care plan which provides prescription drug coverage shall
4 not require a prior authorization determination for anti-retroviral
5 medication used to treat and prevent HIV infection. Nothing in this
6 subdivision shall prohibit a health care plan from denying a claim for
7 such services if the services are subsequently determined not medically
8 necessary.

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

11 (p) An insurer which provides prescription drug coverage shall not
12 require a prior authorization determination for anti-retroviral medica-
13 tion used to treat and prevent HIV infection. Nothing in this subsection
14 shall prohibit an insurer from denying a claim for such services if the
15 services are subsequently determined not medically necessary.

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

18 (p) A corporation organized under this article which provides
19 prescription drug coverage shall not require a prior authorization
20 determination for anti-retroviral medication used to treat and prevent
21 HIV infection. Nothing in this subsection shall prohibit a corporation
22 organized under this article from denying a claim for such services if
23 the services are subsequently determined not medically necessary.

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

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

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