

PROGRAM BILL # 30

Governor's Program Bill 2016

Memorandum

An Act to amend the public health law and the education law, in relation to HIV prevention and care

Purpose:

To support New York's Ending the Epidemic initiative to decrease the prevalence of HIV infections in the state.

Summary of Provisions:

Section 1 of the bill would amend Public Health Law (PHL) § 2781 to remove provisions related to requiring informed consent from an individual prior to performing an HIV related test. The amendments would require that, at a minimum, the individual be advised that an HIV related test is going to be performed, and that any objection by the individual be noted in the individual's medical record.

Section 2 would amend PHL § 2781-a(1) to eliminate the existing upper age limit for purposes of offering an HIV related test. Current statute limits the mandatory offering to individuals between thirteen and sixty-four years of age.

Section 3 of the bill would amend Education Law (Educ. L.) § 6527 to authorize a physician to issue a non-patient specific order for registered nurses to screen persons at increased risk for syphilis, gonorrhea and chlamydia.

Section 4 of the bill would amend Educ. L. § 6909 to authorize a registered nurse to screen persons at increased risk for syphilis, gonorrhea and chlamydia pursuant to a non-patient specific order.

Section 5 would amend Educ. L. § 6527 to authorize a physician to prescribe and order a patient specific or non-patient specific order to a pharmacist for dispensing a seven day starter kit of post-exposure prophylaxis (PEP) for the purpose of preventing HIV.

Section 6 would amend Educ. L. § 6909 to authorize a nurse practitioner to prescribe and order a patient specific or non-patient specific order to a pharmacist for dispensing a seven day starter kit of PEP for the purpose of preventing HIV.

Section 7 would amend Educ. L. § 6801 to authorize a licensed pharmacist to dispense a seven day starter kit of PEP for the purpose of preventing HIV.

Section 8 would set forth the effective date of the bill.

Statement in Support:**Streamlined/routine testing of HIV/AIDS:**

If not identified and treated early, HIV infection progresses and escalates to full blown AIDS. Individuals who are infected but not on treatment are more likely to transmit the virus. Indeed, almost half of all new infections are thought to be from individuals who are unaware of their HIV status. In recognition of this fact, the first point of the Governor's three point plan is to identify persons with HIV who remain undiagnosed and to link them to care. Since 2010, New York State has required that health care providers offer HIV testing to all patients between the ages of 13 and 64 as a routine part of health care services. However, a 2015 review of hospital implementation of the requirement showed that too many New Yorkers are still not taking advantage of available testing. This bill takes steps to remove any barriers to individuals being able to voluntarily accept HIV testing by reducing administrative hurdles, and by educating individuals about their HIV status and options for accessing treatment.

Expanding the age beyond 64:

HIV testing must be made available to more New Yorkers. Half of all people living with diagnosed HIV infection in this State are age 50 and older, and approximately 200 cases of HIV are diagnosed each year in persons age 60 and older. This bill removes the upper age limit of 64 on the requirement of offering an HIV test, mandating that an HIV test be offered to all adults, regardless of age. There is no scientific basis justifying a 64 year age limit, and people over such age remain exposed to multiple risk factors. In addition, with the advent of new medications, persons over the age of 64 diagnosed with HIV are now able to live average life spans. However, early diagnosis and access to treatment remain essential, and this legislation furthers that goal.

Authorize registered nurses to screen for certain STDs pursuant to non-patient specific order:

STD rates are increasing in New York State. There are more than 100,000 cases of syphilis, gonorrhea, and chlamydia in New York State, with rates of syphilis in particular having increased substantially. To address this problem, STD screening and sexual health care must become a routine health care service. This bill amends the New York State Education Law to allow registered nurses to screen persons at increased risk for syphilis, gonorrhea and chlamydia, pursuant to a non-patient specific order. Expanding the existing nursing scope of practice to allow for registered nurses to screen persons at increased risk for these STDs will increase the number of people being diagnosed and treated, and will reduce the overall risks for HIV. This bill is consistent with the Ending the Epidemic Blueprint, which recognizes that sexually transmitted diseases put people at greater risk of HIV infection, and with U.S. Preventive Services (USPS) recommendations.

Pharmacy access to medications for HIV infection prevention:

PEP (Post-Exposure Prophylaxis) is an HIV prevention method that only works if used within a short period of time after exposure to the virus. Specifically, PEP should be used within 72

hours of exposure, and is recommended within 36 hours of exposure – with optimal intake being within 2 hours. Currently, in order to obtain PEP, most patients must go to an emergency room. By enabling pharmacists to dispense a seven day starter kit of PEP pursuant to a non-patient specific order, this bill provides a cost-effective way of significantly increasing HIV prevention. Expanding access to PEP also strengthens consumer understanding and awareness, improves referral and coordination with doctors and other health professionals for follow-up to PEP, and increases individual assessment for other HIV prevention measures.

Budget Implications:

None.

Effective Date:

Immediate.

