

June 21, 2023

2023 Health/Mental Hygiene End of Session Bill Summary

The New York State Legislature adjourned the 2023 session on June 10th. The Senate completed its work around 3am that day with Senate Majority Leader Stewart-Cousins ending the session saying, "see you in 2024!"

The Assembly adjournment ended with the caveat that they would need to return to complete unfinished business. On June 20th, Assembly members returned to Albany for a two-day session where they took up a number of additional bills which had already been passed by the Senate. **As of this writing, the Assembly is still passing legislation and is expected to adjourn late on June 21st. We will send a final update out later this week but wanted to share what we have to date which covers nearly all bills that passed both houses as of June 20th.**

Nearly 900 individual bills have been passed by both houses, out of nearly 15,000 bills introduced since the session started in January. Most bills now await action by Governor Hochul.

While the Legislature did not pass the "healthcare for all" bill to provide low-cost health insurance for immigrants and did not come to a deal on the expiring gaming compact with the Seneca Nation or reach an agreement to increase the State's housing stock, they did pass a number of high profile measures including:

- A "Clean Slate" bill to automatically seal records for most crimes after individuals finish their prison terms and parole (as summarized in detail below);
- A bill to reform the state's "wrongful death" law, to expand on damages that can be sought for "emotional loss" in addition to potential lost income, modified from a bill vetoed by the Governor in 2022 (described further below);
- A "Wrongful Convictions" bill to ease the process for filing motions to vacate criminal convictions;
- Legislation to create a commission that would study the effect that slavery had on racial disparities in New York State and to recommend remedies/ reparations;
- Housing-related bills to provide for increased tenant protections; and
- Several bills to make election law changes including moving most local elections outside New York City to even-numbered years to increase turnout, changes to the public campaign finance system to allow taxpayer dollars to match gifts from big donors up to \$250, and to specify that court challenges to election laws will only be heard in New York City, Albany, Westchester or Buffalo.

Provided below is a sector-by-sector summary of the bills passed by both the Senate and Assembly in the Health and Mental Hygiene areas this session. We have noted below the legislation that has already been acted on by Governor Hochul. The bill text for any bill can be viewed at: <https://nyassembly.gov/leg/>.

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MULTIPLE SECTORS

Notice of Eligibility for Unemployment Benefits (S4878-A Mayer/ A398-A Burdick)

This bill would require employers to notify their employees of eligibility for unemployment benefits to any employee whose employment has been terminated or whose scheduled working hours have been reduced. Such notice shall be provided in writing and must include the employer's name, registration number, and address.

Limitations on Mandatory Overtime for Nurses (S850 Jackson/ A970 Gunther)

This bill would amend Chapter 815 of the Laws of 2022 by requiring health care employers to notify the Department of Labor (DOL) when utilizing an exception to the limitations on mandatory overtime provisions and make a good faith effort to have overtime covered on a voluntary basis. A DOL enforcement officer will be charged with investigating complaints/ violations. This bill was signed into law by the Governor on March 3, 2023, Chapter 27 of the Laws of 2023.

Clean Slate Act (S7551-A Myrie/ A1029-C Cruz)

This bill would seal state conviction records from public access 3-8 years following incarceration or imposition of sentence if no incarceration was sentenced. The length of time for record sealing depends on the type of conviction/offense. The records of convictions sealed cannot be accessed or made available to any person or public or private agency or used by any state agency. There are a number of exemptions for which this information may be made available including the Office of Mental Health and

the Office for People with Developmental Disabilities where such information is included in the clinical record of any person under the care of or receiving services from such provider or program. There is also an exemption for the State Education Department for the purposes of investigating professional misconduct, consideration of restoration of a professional license, determination for issuing a license to practice a profession, and others for the following professions:

- Physicians
- Physician Assistants
- Chiropractic
- Dentistry, Dental Hygiene, Registered Dental Assistance
- Licensed Perfusionists
- Veterinary Medicine and Animal Health Technology
- Physical Therapy and Physical Therapy Assistants
- Licensed Pharmacists *Does not include section A Pharmacy Technicians*
- Registered Professional Nurse, Licensed Professional Nurse, Nurse Practitioner, Clinical Nurse Specialist
- Midwife
- Podiatry
- Optometry)
- Ophthalmic Dispensing
- Engineering, Land Surveying, and Geology
- Architecture
- Public Accountancy
- Psychology
- Social Work
- Massage Therapy
- Occupational Therapy
- Dieticians and Nutritionists)
- Speech Language Pathologists and Audiologists
- Acupuncture
- Athletic Trainers
- Mental Health Practitioners
- Respiratory Therapists and Respiratory Therapy Technicians
- Behavior Analysts and Behavior Analyst Assistants

Clarification on Provisions Relating to Establishment and Priorities of NYS Council on Hunger and Food Policy (S829 Sanders/ A615 Thiele)

This bill amends Chapter 645 of the Laws of 2022 by expanding the purpose of the council to include hunger along with food policy. This chapter amendment increases the council size to 25 members, modifies member appointments, and requires the council to meet at least twice a year. This bill was signed into law by the Governor on March 3, 2023, Chapter 11 of the laws of 2023.

Employer Recognition of Workplace Safety Committee (S848 Gianaris/ A1284 Reyes)

This bill is a chapter amendment to Chapter 808 of the Laws of 2022 to provide employers 15 business days to recognize a workplace safety committee, rather than five. This bill was signed into law by the Governor on March 3, 2023, Chapter 87 of the Laws of 2023.

Updated Wage Limits Threshold for Wage Theft (S5572 Gounardes/ A6796 Burgos)

This bill would raise the wage limits threshold from \$900 to \$1,300 for executive, administrative, or professional employees can seek help from the Department of Labor in recovering owed compensation.

Hate Crime Reporting on College Campuses (S2060-A Stavisky/ A3694-A Rosenthal)

This bill requires college campuses to post campus crime statistics on their website, and also requires colleges to implement a plan to provide investigation of hate crimes on campus. The bill also requires colleges to inform incoming students about their hate crime prevention measures.

Establishment of Gender Identity as a Protected Class (S7382 Hoylman-Sigal/ A7355 Simone)

This bill adds gender identity or expression as a protected class to the intern provision of the human rights law, correcting a technical oversight which previously excluded unpaid interns in this protection.

Providing Menstrual Products in Non-Public Schools (S5913-A Chu/ A113-A Rosenthal L)

This bill builds on the requirement that was passed as part of the SFY 2018-19 Budget to require menstrual products to be offered for free in non-public schools in addition to public schools.

Removal of Outdated Language in Reference to “Sexual Orientation” (S2442 Hoylman-Sigal/ A7367 Simone)

This bill relates to the definition of “sexual orientation” as applicable to the human rights law. This bill aims to remove outdated and stigmatizing statutory language from the definition of “sexual orientation” in New York’s Human Rights Law.

Providing Medication Abortion Prescription Drugs at SUNY/CUNY (S1213-B Cleare/ A1395-C Epstein)

This bill provides access to medication abortion prescription drugs at SUNY and CUNY campuses by employing or contracting with individuals authorized to prescribe such drugs, or by providing referrals. This bill would provide medication to all enrolled students. This bill was signed into Chapter 129 of the Laws of 2023 on May 2, 2023.

Multi-Agency Study on Continuum of Caregiving (S5980 Ryan/ A4275 Barrett (MS))

This bill requires a multi-agency study on the issues impacting the continuum of caregiving in the state of NY. This bill will direct the multi-agency study to be conducted by the commissioners of the Department of Health, the Office for the Aging, the Office of Children and Family Services, the Office for People with Developmental Disabilities, the Office of Mental Health, and the Department of Labor to identify the various issues impacting formal and informal caregivers to ultimately determine the best approach to address the ever-increasing statewide continuum of caregiving workforce shortage.

Relates to Wage Theft (S2832-A Breslin/ A154-A Cruz)

This bill allows prosecutors to seek stronger penalties against employers accused of wage theft by amending the Penal Law section on larceny to allow aggregation of victims in a workforce in larceny cases where the property stolen is wages.

Non-Compete Agreements (S3100-A Ryan/ A1278-B Joyner)

This bill prohibits employers, or their agents, or the officer or agent of any corporation, partnership, or limited liability company from seeking, requiring, demanding or accepting a non-compete agreement from a covered employee. Also it would allow an employee to bring a civil action in a court of competent jurisdiction against any employer or persons alleged to have violated these provisions, within two years of: (i) when the prohibited non-compete agreement was signed; (ii) when the employee learns of the prohibited non-compete agreement; (iii) when the employment relationship is terminated; or (iv) when the employer takes any steps to enforce the non-compete agreement.

Medical Debt (S4907-A Rivera/ S6275-A Paulin)

This bill prohibits hospitals, health providers, or ambulance services from furnishing any portion of a medical debt to a consumer reporting agency. Also it requires such health providers to include a provision in any contracts entered with the collection entity for the purchase or collection of medical debt that prohibits the reporting of any portion of such medical debt to a consumer reporting agency. The bill defines "Medical debt" as an obligation or alleged obligation of a consumer to pay any amount whatsoever related to the receipt of healthcare services, products, or devices provided to a person by a hospital licensed under article twenty-eight of public health law, a health care professional authorized under title eight of the education law or an ambulance service certified under article thirty of public health law.

HOSPITAL/INSTITUTIONAL CARE

Health Equity Impact Assessments (S3609-B Webb/ A3113-A Clark)

This bill would require that Health Equity Impact Assessments consider the availability and provision of reproductive health services and maternal health care, before the Department of Health can approve any proposed construction, establishment, mergers, acquisitions, closures, or reductions in hospital/health-related services.

Neurodegenerative with Behaviors Enhanced Special Needs Assisted Living Residence Program

(S2161-A Rivera/ A7035-A Fahy) This bill establishes a neurodegenerative with behaviors enhanced special needs assisted living residence program to serve persons with neurodegenerative diseases (such as Alzheimer's dementia, Lewy body dementia, frontotemporal dementia, and Parkinson's disease). This bill establishes guidelines for the program to serve the complex care needs of individuals with neurodegenerative diseases.

Closure Procedures of Assisted Living Residences (S2230 Cleare/ A1706 Simon)

This bill is a chapter amendment to Chapter 625 of the Laws of 2022 to specify procedures for closure and/or decertification of assisted living residences. This bill requires the operator to notify the appropriate regional office of DOH and the state long-term care ombudsman office of the proposed closure in writing.

LONG TERM CARE/ HOME CARE

DOH Home Care Usage Annual Report (S1683-A Hinchey/ A1926-A Gonzalez-Rojas)

This bill would require DOH to publish home care usage information on the department's website on an annual basis including the number of individuals receiving care, those that have had permanent transfers and aggregated service usage.

Extend the LTC Ombudsman for Two Years (S6907 Cleare/ A7199 Wallace)

This bill would extend the authorization of the Long-Term Care Ombudsman Program to advocate on behalf of managed long-term care participants until December 31, 2025.

Reimbursement for Core Public Health Services Provided by Home Health (S6641-A Rivera/ A7365

Paulin) This bill will allow Local Health Departments to provide and be reimbursed for certain core public health services in the home without being subject to licensure. These services could be immunizations, verbal assessments, counseling, referral services, and lead screenings. DOH has oversight to ensure the scope of services are within the limits described.

Non-Economic Factors Included Under Greatest Social Need (S817 Hoylman-Sigal/ A629 Bronson) This bill is a chapter amendment to Chapter 573 of the Laws of 2022 which clarifies the meaning of "greatest social need" for purposes of administration of programs under the federal Older Americans Act of 1965, by including non-economic factors in the definition including physician or mental disability, Alzheimer's or other forms of dementia, language barriers, low literacy, and cultural, social or geographic isolation. This bill was signed into law by the Governor on March 3, 2023, Chapter 74 of the laws of 2023.

Required Training for Various Home Health Aides (S831 Rivera/ A612 Dinowitz)

This bill is a chapter amendment to Chapter 737 of the Laws of 2022 to mandate DOH to require training for home health aides, personal care aides, and certified nurse aids within 12 months, allowing for sufficient development/evaluation of training material by DOH. This bill was signed into law by the Governor on March 3, 2023, Chapter 81 of the Laws of 2023.

Clarifications & Regulation of PACE Entities (S855 May/ A4137 Ardila)

This bill is a chapter amendment to Chapter 812 of the Laws of 2022 to clarify that, in the absence of regulations, the state All-Inclusive care of the Elderly program, other provisions of the public health law apply to PACE entities. Also clarifies that PACE organizations can provide fiscal intermediary services if approved through the social services law process. DOH will also share the same level of actuarial reporting as with managed care plans. This bill was signed into law by the Governor on March 3, 2023, Chapter 90 of the Laws of 2023.

Federal Matching Funds for Hospice Services (S1349 Rivera/ A4016 Raga)

This bill is a chapter amendment to Chapter 667 of the Laws of 2022 which makes a technical change by requiring the State to apply for federal matching funds for hospice services. This bill was signed into law by the Governor on March 24, 2023, Chapter 116 of the Laws of 2023.

Posting of LTC Policy Changes (S2330-B Mayer/ A345-C Burdick)

This bill would require LTC insurers to provide insureds with specific information regarding premium increases. The bill also requires the Department of Financial Services to make public any rate filing or application submitted by LTC insurance carriers and also post on its website the process used for reviewing and approving premium rates.

Community-Based Paramedicine Demonstration Program (S6749-B Rivera/ A6683-B Paulin)

This bill establishes a community- based paramedicine demonstration program, allowing the current community- based paramedicine programs to continue for two years and require an evaluation by the Department of Health.

Medical Fragility Program Expansions (S7038 Harckham/ A7511 Burdick)

This bill increases the current demonstration programs, the Residential Health Care for Children with Medical Fragility in Transition to Young Adults and Young Adults with Medical Fragility from two eligible pediatric nursing homes to four eligible pediatric nursing homes.

HEALTH PROFESSIONS

MSSNY Committee for Physicians' Health Liability Immunity S3449 Rivera/ A6017 Paulin)

This bill seeks to make a technical correction following a recent court decision that interpreted liability protections not apply to the entity that creates a physician committee. The legislation clarifies authorization of the Medical Society of the State of New York's Committee for Physicians' Health program and clarifies that the liability protections offered in the statute for physician participants in the program extend to the organizations themselves as well as their employees acting without malice and within the scope of its functions for the committee.

Non-Patient Specific Orders for Registered Professional Nurses (S6886-C Rivera/A6030-C)

This bill authorizes physicians to prescribe non-patient specific orders that a registered professional nurse may perform including electrocardiogram tests to detect signs and symptoms of acute coronary syndrome, administering point-of-care blood glucose tests to evaluate acute mental status changes in persons with suspected hypoglycemia, administering tests and intravenous lines to persons that meet severe sepsis and sepsis shock criteria, and pregnancy tests.

Temporary Licensure for Nurses/Physicians Licensed Outside NYS (S7492-B Stavisky/ A6697-B Fahy)

This bill would authorize certain out-of-state nurses and physicians who practices in NY under Executive Order 4 to temporarily practice in New York State pending a determination on licensure. If signed, the law would be repealed one year after it shall have become law.

Wrongful Death (S6636 Hoylman-Sigal/ A6698 Weinstein)

This bill would expand the possible damages in a wrongful death action to include compensation for grief or anguish, the loss of love or companionship, loss of services and support, and the loss of nurture and guidance.

Secondary Coverage Requirement for Excess Medical Malpractice Insurance (S7057 Breslin/ A7255 Anderson) This bill is a chapter amendment to Chapter 673 of the Laws of 2005 to extend from July 1, 2023 to July 1, 2028 the statutory clarification that the Medical Malpractice Insurance Pool (MMIP) is not required to offer a second layer of excess medical malpractice insurance coverage.

NYS Medical Indemnity Fund Definitions (S1324 Krueger/ A 4131 Paulin)

This bill is a chapter amendment to Chapter 517 of the Laws of 2016 which would repeal the recently enacted clarifications as to covered services under the Medical Indemnity Fund by amending the definitions of qualifying healthcare costs and extend the enhanced rates until December 31, 2025.

Right of Affirmation of a Health Care Practitioner (S2997 Rivera/ A6065 Dinowitz)

This bill provides that an affirmation of a health care practitioner by an attorney may be served or filed in an action in lieu of and with same force and effect as an affidavit. The law changes reference from “physician, osteopath, or dentist” to “health care practitioner.”

Legal Protections Against Arrest/Extradition of Abortion Providers (S1351 Krueger/ A1005 Lavine) This bill is a chapter amendment to Chapter 219 of the Laws of 2022 to clarify and expand provisions that shield New Yorkers from civil and criminal consequences for abortions that are lawfully performed in New York State. All reproductive healthcare services lawfully performed in the state are now included. New York police are prohibited from arresting anyone who participates directly or indirectly in an abortion that is lawfully performed in NYS and New York police are also prohibited from cooperating with out-of-state investigations related to abortions lawfully performed in NYS. This bill was signed by the Governor on March 3, 2023, Chapter 101 of the Laws of 2023.

Legal Protections for Gender Affirming Care (S2442 Hoylman-Sigal/ A7367 Bronson)

This bill would prohibit the arrest, extradition, and loss or suspension of license of authorized health care providers in New York who perform lawful gender-affirming care to individuals from states with restrictions on gender-affirming care access.

Requiring Physician Coursework or Training in Nutrition (S4401-A Webb/ A5985-A Rosenthal)

This bill requires DOH to develop, maintain, and distribute to NYS practicing and licensed physicians a resource library related to continuing medical education and training opportunities regarding nutrition.

Establishment of a Nursing Certificate and Education Programs (S447-C Stavisky/ A3076-A Lupardo)

This bill would allow nursing professionals to complete up to one-third of their clinical training through simulation experiences and defines acceptable simulation experiences including requirements of such experiences.

Required Protocols for Fetal Demise (S4981-B Brouk/ A1297-B Bichotte)

This bill requires hospitals to adopt, implement and periodically update standard protocols for the management of fetal demise. This act will be known and may be cited as “Mickie’s law.” The bill establishes protocols for fetal demise including determining whether a pregnant person is experiencing an emergency medical condition in relation to fetal demise, admitting the pregnant person to the

hospital and/or treat them in the emergency room for close observation, monitoring, stabilizing treatment. The protocols shall be in accordance with the federal EMTALA statute.

Requiring Licensure of Athletic Trainers (S942-A Bailey/ A219-A Solages)

This bill relates to the licensure of athletic trainers; adds athletic trainers to the list of persons and officials required to report cases of suspected child abuse or maltreatment. This bill aims to create licensure for the profession of athletic training.

5-Year Extension of Emergency Technician Recertification (S7463 Mannion/ A7426 Stern)

This bill extends the underlying statute established by Chapter 563 of the laws of 2001, by 5 years, effectively extending the EMS Recertification demonstration program. The Pilot Recertification Program allows an EMT, EMT-Intermediate, EMT-Critical Care or Paramedic, who is in continuous practice, demonstrates competency and completes appropriate continuing education, to renew their certification without taking a certification exam.

Educational Requirements for Licensed Physical Therapists (S6220B Stavisky/ A6696 Fahy)

This bill amends the education law, in relation to the practice of physical therapy. This bill updates the educational requirements for licensure as a physical therapist to require a doctoral degree in physical therapy for licensure.

Telehealth for Reproductive Healthcare (S1066-B Mayer/ A1709-B Reyes)

This bill establishes protections for NY physicians and other authorized health care providers to offer reproductive health care services including medication abortion care to patient via telehealth regardless of the patient's location, including those who may be located outside New York State. Under the bill, New York State would not comply with extradition, arrests, and coordination with any out-of-state investigations or evidentiary requests to operate as a shield to New York health care practitioners who perform any legally protected health activity against states who that to impose disciplinary actions upon them. The bill also prevents New York and amends prevents medical malpractice insurers from taking adverse action against or failing to issue a policy to health care practitioners for legally protected health activity.

Newborn Screenings (S6542 Rivera/ A7338 Paulin)

This bill requires glucose-6-phosphate dehydrogenase deficiency testing for all newborns as part of newborn screening requirements in public health law.

SCHOOL-BASED HEALTH CENTERS

Permanent Medicaid Managed Care Carve-Out (S2339 Rivera/ A6029 Paulin)

This bill would maintain the 25-year long status quo to allow School-Based Health Centers (SBHCs) to remain carved-out of the Medicaid Managed Care Program (MMCP) and to continue to receive Medicaid on a fee-for-service basis.

PHARMACY

Long Acting Injectables (A608 McDonald/ S853 Breslin)

This bill is a chapter amendment to Chapter 802 of the Laws of 2022 to clarify provisions related to the authorization for pharmacists to administer injections of medications for the treatment of mental health and substance use disorders. This bill would ensure that only U.S. Food & Drug Administration (FDA) approved medications for the treatment of mental health and substance use disorder are administered by pharmacists. Additionally, the bill clarifies that the Commissioner of Education shall promulgate regulations related to such administration in consultation with other agencies. This bill was signed into law March 3, 2023, Chapter 5 of the Laws of 2023 and takes effect 4/1/24 (per subsequent bill passed, as summarized immediately below).

Updates to Long Acting Injectables Law (A6779-A McDonald/ S6337-A Breslin)

This bill amends previously enacted legislation authorizing pharmacists to administer long acting injectable medications for mental health and substance use disorders to remove limitations on injection site. The bill also clarifies that a pharmacist administering injectable medications for the treatment of mental health and substance use disorder must do so pursuant to a patient-specific order after a patient has received an initial injection from a prescriber, and that training is required prior to such administration. The amendments also provide that a prescriber shall be notified of the administration and any side effects or adverse reactions to the administration of such injectable medications, and that a pharmacist may treat anaphylaxis related to such administration. This bill also changes the effective date of Chapter 802 of the Laws of 2022 to April 1, 2024.

Self-Administered Contraceptives (A1060-A Paulin/ S1043-A Stavisky)

This bill authorizes non-patient specific order for the dispensing of self-administered hormonal contraceptives by pharmacists prescribed or ordered by a licensed physician, nurse practitioner, or the Commissioner of Health. It further provides that prior to dispensing, and at a minimum of every twelve months for returning patients, the pharmacist shall provide the patient with a self-screening risk assessment questionnaire, developed by the Commissioner of Health, in consultation with the Commissioner of Education. The pharmacist shall also provide the patient with a fact sheet developed by the Commissioner of Health, in consultation with the Commissioner of Education. Licensed pharmacists would be required to receive training satisfactory to the Commissioner of Education and shall notify a patient's primary care provider when self-administered hormonal contraceptives are dispensed under this section unless the patient opts-out. The bill makes it clear that pharmacists retain the ability to refuse to dispense a prescription if in their professional judgment, potential adverse effects, interactions or other therapeutic complications could endanger the health of the patient. This bill was signed into law on May 2, 2023, Chapter 128 of the Laws of 2023 and takes effect November 2, 2024.

Matthew's Law (S2099-C Harckham/ A5200-B McDonald)

This bill authorizes pharmacists and prescribers to dispense drug adulterant testing supplies. It states that testing supplies shall be stored at a licensed pharmacy, hospital, clinic, or other health care facility in a manner that limits access to health care professionals. Retail stores containing pharmacies may dispense testing supplies from the pharmacy department only. No quantity of drug adulterant testing supplies greater than necessary to conduct five assays of substances shall be dispensed in a single transaction.

Chapter Amendment to PRICE Act (A2200 McDonald/ S836 Breslin)

This bill is a chapter amendments to Chapter 826 of the Laws of 2022 relating to the Patient Rx Information and Choice Expansion Act (PRICE Act). The changes under this bill exempt Medicaid from the PRICE Act, which requires all health plans, upon request of their insured or enrollee, provider, or a third-party on their behalf, to furnish cost, benefit, and coverage data of prescription drugs. The bill also makes technical amendments, moves the PRICE Act to a section of the insurance law related to insurance contracts, and adds conforming language to Article 43 (Non-Profits) and Article 44 (HMOs) of the Insurance Law. The bill was signed into law March 3, 2023, Chapter 63 of the Laws of 2023. It takes effect June 28, 2023.

Amendments to Medication Synchronization Law (S1331 Hoylman-Sigal/ A4015 Ardila)

This bill is a chapter amendment that makes changes to Chapter 838 of the Laws of 2022 which permitted the synchronization of multiple prescriptions under Medicaid by reimbursing for partial fills. Changes provided for with the Chapter Amendment include:

- the elimination of prorated cost-sharing;
- broadening the prohibition of synching Controlled Substances (CDSs) containing hydrocodone to ALL CDSs-- not just those that have hydrocodone;
- technical changes to align language with similar provisions within Insurance Law;
- the inclusion of language directing the Department of Health to apply for waivers and submit State Medicaid plan amendments to get the program operational; and
- pushes out the effective date of the underlying legislation from 120 days to January 1 of the year following signing making the program start date January 1, 2024.

The bill was signed into law on March 24, 2023, Chapter 113 of the Laws of 2023. It takes effect January 1, 2024.

Promulgate a List of Prescription Drugs for Which an Emergency Thirty-Day Supply Cannot Be Obtained (S2228 Breslin/ A2201 Cruz)

This bill makes amendments to Chapter 793 of the Laws of 2022 relating to exceptions to drug prescription supply during an emergency. This bill provides technical amendments of Chapter 793 of the Laws of 2022 and removes provisions of Insurance Law requiring the Commissioner of Health to promulgate a list of prescription drugs for which an emergency thirty-day supply cannot be obtained. This bill was signed Chapter 64 in the Laws of 2023 on March 3, 2023.

Restrictions on Over-the-Counter Sale of Diet Pills and Dietary Supplements (S5823-C Mayer/ A5610-D Rozic)

This bill bans the sale to minors of products marketed as diet pills and supplements for weight loss or muscle building. This bill exempts certain protein powders, protein pills and foods.

Establishment of Organized Retail Task Force (S6714-B Thomas/ A6568 McDonald)

This bill will provide the governor and the legislature with information on organized retail crime and various countermeasures to counter losses from such crime in the state. This bill will review current laws and provide legislative and regulatory recommendations to help prevent such crime, enhance consumer protections and address the economic impact in New York State.

Requirement of Manufacturers of Certain Prescription Drugs to Provide Notice of Intent (S599-A Salazar/ A1707-A Rosenthal D)

This bill would require manufacturers to provide at least 60-day notice of their intent to raise wholesale prescription drug costs to the drug utilization review board if the total cost of the drug has increased 16% or more over the 24 months prior to the increase.

PUBLIC HEALTH/ PATIENT CARE

Vaccine Confidentiality (S837 Rivera/ A4132 Paulin)

This bill is a chapter amendment to various Chapters of the Laws of 2022 to narrow the circumstances under which personal identifying information may be disclosed to the CDC, identify which type of court actions will make personal identifying information collected by a “vaccine navigator” admissible in a court environment, and identify what an “immunity passport” is and clarifying it includes the paper COVID-19 vaccine cards provided by the CDC to vaccine providers. This bill was signed by the Governor on March 24, 2023, Chapter 109 of the Laws of 2023.

Colorectal Cancer Screenings (S824 Sanders/A2198 Dinowitz)

This bill is a chapter amendment to Chapter 739 of the Laws of 2022 to require health plans to cover colorectal cancer screenings. In particular, the changes remove the requirement from individual policies; codifies the requirement for Article 44 corporations; references the American Cancer Society (ACS) guidelines for colorectal cancer screening as the guidelines that will dictate proper screening; adds language clarifying that coverage for screenings will start six months after ACS publishes its guidelines; and makes clarifying changes to the notification requirement in the initial law. This bill was signed into law by the Governor on March 3, 2023, Chapter 78 of the Laws of 2023 and applies to all policies issued, renewed, modified after December 23, 2022.

Coverage for Biomarker Testing (S1196A Persaud/ A1673A Hunter)

This bill requires that every state-regulated insurance plan, including Medicaid, provide coverage for biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an individual’s disease or condition when the test provides clinical utility to the patient as demonstrated by medical and scientific evidence, including, but not limited to:

- labeled indications for a test approved or cleared by the federal Food and Drug Administration or indicated tests for a food and drug administration approved drug;
- Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or
- (3) nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology.

Copay Assistance Programs (S1350 Rivera/ A3693 Weprin)

This bill is a chapter amendment to Chapter 736 of the Laws of 2022 to clarify provisions relating to calculating an insured individual's overall contribution to any out-of-pocket maximum or any cost sharing requirement. The 2022 law requires health plans and pharmacy benefit managers to count manufacturers' discounts towards a person's cost-sharing maximum calculation. This bill limits the application of the copay accumulators to brand-name drugs without a generic equivalent; or with a

generic equivalent that are accessed through prior authorization or appeals; and all generic drugs. This bill also makes the law effective July 1, 2023 and applies to all state regulated commercial policies in renewed, issued, modified after such date. This bill was signed into law March 24, 2023, Chapter 117 of the Laws of 2023 and takes effect July 1, 2023.

Establishment of the NYS Council on Hunger and Food Policy (S829 Sanders/ A615 Thiele)

This bill is a chapter amendment to Chapter 645 of the Laws of 2022 to expand the purpose of the New York State Council on Hunger and Food Policy to include hunger along with food policy. The bill also increases the council size to 25 members, modifies member appointments, and requires the council to meet at least twice a year. This bill was signed into law by the Governor on March 3, 2023, Chapter 11 of the laws of 2023.

Establishment of AED Implementation Plans for Camps & Youth Programs (S7424 Mayer/ A366-A Otis)

This bill requires camps and youth programs to establish an automated external defibrillator (AED) implementation plan. The bill also requires camps and youth programs to have at least one person trained to use such defibrillators at camps, games and practices.

Requirement of Newborn Screening for Duchenne Muscular Dystrophy (S6814 Rivera/ A5042- Hevesi)

This bill requires that newborns be tested for Duchene muscular dystrophy using a test validated by the Wadsworth Center. This bill directs the Wadsworth Center to begin the process of testing validation upon the development of a test for Duchene muscular dystrophy.

NYS Community Doula Directory for Doulas Serving Medicaid Patients (S1867-A/ Brouk/ A5435-A Solages)

This bill requires DOH to establish and maintain the New York State Community Doula Directory for doulas on the department's website for purposes of Medicaid reimbursement and promoting doula services to Medicaid recipients; establishes criteria for admittance into the New York State community doula directory; marks related provisions.

DOH Intersex Public Information and Outreach Campaign (S5399 Hoylman-Sigal/ A5627 Seawright)

This bill requires DOH to conduct a public information and outreach campaign on medically unnecessary treatments on persons born with intersex traits or variations in sex characteristics. The program shall include an advisory council to include intersex persons, intersex led organizations, and health care providers with demonstrated medical expertise treating intersex individuals.

Prohibiting the Sale of Tobacco Products at Vending Stands and Machines in State Buildings (S50 Hoylman-Sigal/ A1025 Bichotte Hermelyn)

This bill would make the public buildings law consistent with other state laws and policies regarding tobacco cessation, and to promote health, by prohibiting the sale of tobacco products in state buildings.

Provide Additional Funding for the Cure Childhood Cancer Research Fund (S1898 Stavisky/ A1302 Rosenthal L)

This bill would allow a taxpayer to elect to contribute to the Childhood Cancer Research Fund through a space created on the personal income tax return created by the commissioner. This bill amends

subdivision 2 of section 99-z of the state finance law, added by chapter 443 of the laws of 2016 to include gift-able tax funds so that all funds raised in section 630-k will go to the Childhood Cancer Research Fund.

Expansion of the Equal Protection Under NYS Constitution (S108-A Krueger/ A1283 Seawright)

This bill amends section 11 of Article 1 of the NYS Constitution to expand the constitutional prohibition against discrimination in civil rights to include additional protected classes. This bill will add ethnicity, national origin, disability, age, and sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy to the existing list of protected classes for which discrimination in civil rights is prohibited.

Establishment of Informational Pamphlets for Those Experiencing Pregnancy or Infant Loss (S6082-A Fernandez/ A5734-A Pretlow)

This bill amends the public health law, in relation to conducting education and outreach programs for individuals who have suffered a pregnancy loss or infant loss. This bill will require that informational pamphlets be provided to those experiencing this loss on what to expect and resources to help them navigate the healing process.

Prohibits Suppression of Research into Health Consequences of E-Cigarettes Use (S536-A Thomas/ A5994-A Darling)

This bill will prohibit the suppression of research into the health consequences of e-cigarette use; and to prohibit the promotion of e-cigarette by banning the marketing of them on any item other than e-cigarettes, banning gift offers with the purchase of e-cigarettes, and banning e-cigarette brands from sponsoring sports, arts, or social events.

Collaborative Models to Address Disparities in Health Care Access (S1451 Sanders/ A782 People-Stokes)

This bill will add programs to address disparities in health care access of treatment among the initiatives authorized in the public health law under the Hospital-Home Care-Physician Collaborative Program. These collaborative models should focus on racial and ethnic minority groups, persons with disabilities, women, the poor, and persons living in rural and other medically unserved and underserved geographic areas.

Establishment of “Surrogate Decision-Making Improvement Acts” (S2930 Rivera/ A4332 Gunther)

This is one of a series of seven bills, that make technical/minor, clarifying and coordinating amendments and other improvements to the Family Health Care Decisions Act (FHCDA) (Ch. 8 Laws of 2010) and other laws that govern health care decisions, including life-sustaining treatment decisions, for patients who lack decision making capacity.

OMH Study on African American Exposure to Police Shootings (S5148 Parker/ A2276 Simon)

This bill requires the NYS Office of Mental Health to study the spillover effects that police brutality has on the mental health of African Americans in New York. The department shall conduct a study of the

effects that awareness of or exposure to police shootings or killings of unarmed African Americans has on the mental health of African Americans in NYS.

Multi-Agency Study on Continuum of Caregiving (S5980 Ryan/ A4275 Barrett (MS))

This bill requires a multi-agency study on the issues impacting the continuum of caregiving in the state of NY. This bill will direct the multi-agency study to be conducted by the commissioners of the Department of Health, the Office for the Aging, the Office of Children and Family Services, the Office for People with Developmental Disabilities, the Office of Mental Health, and the Department of Labor to identify the various issues impacting formal and informal caregivers to ultimately determine the best approach to address the ever-increasing statewide continuum of caregiving workforce shortage.

BEHAVIORAL HEALTH

Coverage for Mental Health Services (A1975 Bronson/ S1355 Kennedy)

This bill is a chapter amendment to Chapter 818 of the Laws of 2022 which required that a health insurance policy which provides coverage for physician services must also provide coverage for outpatient care by a mental health counselor, marriage and family therapist, creative arts therapist or psychoanalyst licensed under article 163 of the education law and a licensed clinical social worker licensed under article 154 of the education law. This bill removes reference to creative arts therapists based on cost concerns raised. This bill was signed into law March 3, 2023, Chapter 62 of the Laws of 2023 and is effective as of January 1, 2023.

Reports on Opioid Sales in NYS (S821 Harckham/ A996) Gonzalez-Rojas)

This bill amends chapter 771 of 2022 making technical corrections to clarify certain private data is not to be made publicly available. This bill clarifies that the name, address and DEA registration number of the entities to whom opioids were sold to by registrants paying the opioid excise tax shall not be included in the annual reports the Department of Health shall issue on the opioids sold in the state by registrants and that shall be made available to the public and posted annually in the department's website. This bill was signed Chapter 76 of the Laws of 2023 on March 3, 2023

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Extension for OMH Monthly Reports on Mental Health Service Availability (S1354 Skoufis/ A613 Gunther)

This bill is a chapter amendment to Chapter 646 of the Laws of 2022 which required monthly reports on community investments in inpatient care. This bill amends the underlying chapter by extending the

effective date from immediately to one hundred and eighty days, to give the agency time to implement the policy. This bill was signed Chapter 9 of the Laws of 2023 on March 3, 2023.

OMH Training Program for Diagnosis & Treatment of PTSD for Veterans (S7274 Parker/ A793 Hunter)

This bill would require the Office of Mental Health to develop a training program which includes a component on military cultural competency for mental health providers and clinicians to diagnose and treat veterans with post-traumatic stress disorder.

Establishment of Black Youth Suicide Prevention Task Force (S1861 Brouk/ A1510 Jean-Pierre)

This bill will create a Black suicide prevention task force to examine, evaluate and determine how to improve mental health and suicide prevention for our NY Black residents aged 5 to 18. All appointees shall have expertise in fields or disciplines related to mental health and knowledge related to the Black community.

Establishment of Latina Suicide Prevention Task Force (S5082 Fernandez/ A6960 Davila)

This bill establishes a Latina suicide prevention task force to examine, evaluate, and determine how to improve mental health and suicide prevention amongst Latina NY residents. Members that were appointed will have expertise in fields or disciplines that relate to mental health and knowledge of the Latina community.

DEVELOPMENTAL DISABILITIES/ SPECIAL EDUCATION SERVICES

Commission of the Deaf, Deafblind and Hard of Hearing (S7251 Cooney/ A5683 Zebrowski)

This bill would reestablish the Commission of the Deaf, Deafblind and Hard of Hearing. The commission would be responsible for guiding policy and resources on how the state can meet the needs of the deaf, deafblind and hard of hearing communities.

Replacing “Handicapping Conditions” with “Disabilities (S4041-A Mayer/ A7258-A Benedetto)

This bill replaces the words “handicapping conditions” with the word “disabilities” in education law, consistent with Federal law.

3-Year Term Limits for Autism Spectrum Disorders Advisory Board Members (S2494 Mannion/ A 3534 Santabarbara)

This bill establishes a three-year term limit for the appointment of members of the Autism Spectrum Disorders advisory board, at which point the membership position must be subject to reappointment. This bill clarifies that any vacancies on the board must be filled in the same manner as the original appointment once a member’s term has expired or if such member resigns before their term expires.

Emergency Evacuation Plan for Individuals with Disabilities (S264-A Stewart-Cousins/ A6291-A Burdick)

This bill establishes an emergency evacuation plan for individuals with disabilities residing in high-rise buildings under the New York State Fire Code and requires the State Fire Prevention and Building Code

Council to write regulations for establishing and maintaining emergency evacuation plans. The bill establishes a \$500 fine for a knowing failure to comply with such standards.

Renaming of the Developmental Disabilities Planning Council (S7094 Mannion/ A6543 Seawright)

This bill will make changes to the enacting statute for the Developmental Disabilities Planning Council, to comply with Federal requirements and update language for the use of “person first” language. The name would change to be known as the State Council on Developmental Disability. The bill also makes changes to the membership of the Council.

Requiring Training for Mandated Reporters Regarding Abused or Maltreated Child with an Intellectual or Developmental Disability (S6463/ Mannion/ A7366 Hevesi)

This bill is to ensure mandated reporters are trained in recognizing the signs of abuse or neglect when a child has an intellectual or developmental disability. This bill would require the office of children and family services in consultation with the justice center for the protection of people with special needs to update the mandated reporter training to include guidance on identifying an abused or maltreated child when such child is an individual with an intellectual or developmental disability.

Requiring Applications Submitted by Individuals with Developmental Disabilities Be Processed in a Timely Manner (S823 Mannion/ A2890 Simone)

This bill changes provisions of L.2022, c. 608, related to the application timeline for eligibility determinations and service authorizations for services from the Office of People with Developmental Disabilities, as well as eliminates a quarterly reporting requirement concerning eligibility determinations and services authorizations.

Replacement of Outdated Terms with Developmental Disability (S3313-B Skoufis/ A5879-A Seawright)

This bill replaces the terms “mentally retarded” and “mental retardation” with “developmentally disabled” and “developmental disability” throughout the consolidated laws of New York.

OTHER HUMAN SERVICES

Foster Care Services (A2176 Epstein/ S5897 Brisport)

This bill requires that the Commissioner of Social Services submit a biannual report to the Governor and Legislative Leaders on:

- the total number of youth placed in a foster care setting at the time of the report, as well as a comparison to the total number of youth in care since the previous report was submitted;
- the reasons why such youth have been placed in a foster care setting, with the total number of youth per category at the time of the report. Such reasons shall include, but not be limited to, voluntary placement pursuant to section three hundred fifty-eight-a of this chapter, a termination of parental rights pursuant to section three hundred eighty-four-b of this chapter, placements pursuant to articles ten and ten-C of the family court act, or pursuant to a contract, grant or other agreement with the federal government;
- to the extent such information is available, the total number of youth placed in a foster care setting at the time of the report that are in need of or receiving specialized services, either due

to a mental health illness or another disorder that may require additional supports and services, including specialized educational services;

- to the extent such information is available, how many youth at the time of the report have been previously placed in a foster care setting in the state;
- total number of foster families that are currently certified in the state at the time of the report and whether that number has increased or decreased since the previous report was submitted;
- how many children and/or families have received preventive services through a local social services district, and of those children and/or families, how many youth were successfully kept out of foster care due to such services within the last calendar year for the initial report, and then since the previous report was submitted for all subsequent reports;
- the total number of placement options that have been certified as a qualified residential treatment program, as defined by 42 USCS §672; and
- efforts the state has taken to recruit and retain foster parents in the state.

Study on Children in Foster Care Who Have a Developmental Disability (S3119 Mannion/ A2798 Hevesi)

This bill requires the commissioner of the office of children and family services, in consultation with the commissioner of the office of people with developmental disabilities to conduct a study to determine the number of children who have been placed in foster care and who have been diagnosed with a developmental disability.

Establishment of a Task Force to Reduce Adverse Childhood Experience (S5900 Brisport/ A5960)

This bill will establish a task force to identify evidence-based and evidence-informed solutions to reduce children's exposure to adverse childhood experience. The task force shall consist of 10 members with one appointment each made by DOH, OCFS, SED, DCJS, the Senate, the Assembly and four by the Governor.

INSURANCE/MEDICAID

Colorectal Cancer Screenings (S824 Sanders/A2198 Dinowitz)

This bill is a chapter amendment to Chapter 739 of the Laws of 2022 to require health plans to cover colorectal cancer screenings. In particular, the changes remove the requirement from individual policies; codifies the requirement for Article 44 corporations; references the American Cancer Society (ACS) guidelines for colorectal cancer screening as the guidelines that will dictate proper screening; adds language clarifying that coverage for screenings will start six months after ACS publishes its guidelines; and makes clarifying changes to the notification requirement in the initial law. This bill was signed into law by the Governor on March 3, 2023, Chapter 78 of the Laws of 2023 and applies to all policies issued, renewed, modified after December 23, 2022.

Coverage for Biomarker Testing (S1196A Persaud/ A1673A Hunter)

This bill requires that every state-regulated insurance plan, including Medicaid, provide coverage for biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an individual's disease or condition when the test provides clinical utility to the patient as demonstrated by medical and scientific evidence, including, but not limited to:

- labeled indications for a test approved or cleared by the federal Food and Drug Administration or indicated tests for a food and drug administration approved drug;
- Centers for Medicare and Medicaid Services national coverage determinations and Medicare administrative contractor local coverage determinations; or
- (3) nationally recognized clinical practice guidelines such as, but not limited to, those of the national comprehensive cancer network or the American society of clinical oncology.

Copay Assistance Programs (S1350 Rivera/ A3693 Weprin)

This bill is a chapter amendment to Chapter 736 of the Laws of 2022 to clarify provisions relating to calculating an insured individual's overall contribution to any out-of-pocket maximum or any cost sharing requirement. The 2022 law requires health plans and pharmacy benefit managers to count manufacturers' discounts towards a person's cost-sharing maximum calculation. This bill limits the application of the copay accumulators to brand-name drugs without a generic equivalent; or with a generic equivalent that are accessed through prior authorization or appeals; and all generic drugs. This bill also makes the law effective July 1, 2023 and applies to all state regulated commercial policies in renewed, issued, modified after such date. This bill was signed into law March 24, 2023, Chapter 117 of the Laws of 2023 and takes effect July 1, 2023.

Prohibited Insurance Contract Provisions (S1330 Gounardes/ A2205 Cruz)

This bill is a chapter amendment to Chapter 665 of the Laws of 2022 to clarify prohibited contract provisions. The changes expand the prohibitions to Article 44 corporations and group health plan contracts. It also pushes the effective date from January 1, 2023 to July 1, 2023. This bill was signed into law by the Governor on March 3, 2023, Chapter 95 of the Laws of 2023.

Coverage of Non-Invasive Prenatal Testing (S1342 Cleare/ A997 Forrest)

This bill clarifies that DOH may make changes to the availability and coverage of non-invasive prenatal tests based on the safety communications or policy guidance recommendations from the United States Food and Drug Administration, the Centers for Medicare and Medicaid Services, and the United States Department of Health and Human Services. This bill was signed by the Governor on March 3, 2023, Chapter 41 of the Laws of 2023.

Clinical Standards for Utilization Review for Medically Fragile Children (S1319 Rivera/ A4135 Weprin)

This bill is a chapter amendment to Chapter 816 of the Laws of 2022 which changes the utilization review process that is used for medically fragile children claims. Internal appeals will be reviewed by a licensed physician who works in the same or similar specialty of the treatment that is under review. External reviews will be done by licensed physicians who have worked in the same or similar specialty that is required for internal appeals, for five or more years.

Coverage for Mental Health Services (A1975 Bronson/ S1355 Kennedy)

This bill is a chapter amendment to Chapter 818 of the Laws of 2022 which required that a health insurance policy which provides coverage for physician services must also provide coverage for outpatient care by a mental health counselor, marriage and family therapist, creative arts therapist or psychoanalyst licensed under article 163 of the education law and a licensed clinical social worker licensed under article 154 of the education law. This bill removes reference to creative arts therapists based on cost concerns raised. This bill was signed into law March 3, 2023, Chapter 62 of the Laws of 2023 and is effective as of January 1, 2023.

Child Health Plus (A7425 Reyes/ S7478 Rivera)

This bill would extend two years to July 1, 2025 provisions of Child Health Plus related to presumptive eligibility, preventing fraud, and establishing premiums. This includes prohibiting premiums for families making less than 133% FPL and presuming a child under the age of nineteen is eligible for subsidy payments once during a twelve-month period.

Medicaid Model Contract Changes (S1348 Rivera/ A3770 Shrestha)

This bill is a chapter amendment to Chapter 101 of the Laws of 2022 to clarify provisions relating to notification of changes to the Medicaid managed care model contract. The changes require posting of a summary of the changes on the Department of Health's website prior to federal submission; clarify that a summary of the changes will be posted in the state register; and clarify that requests for proposals for managed care providers will also be published in the state register. This bill was signed into law March 3, 2023, Chapter 100 of the Laws of 2023 and is in effect as of 2/28/23.

Development and Approval of Medicaid Managed Care Plan Rates (S6075 Skoufis/ A5381 Paulin)

This bill would add more detail to the existing disclosure required of the Department of Health (DOH) to plans before submitting rates to the Center for Medicare and Medicaid Services (CMS) for approval. Additional disclosures would include the actuarial certification letters and correspondence between the state and CMS related to the rates, end other information and methodologies that DOH had considered but did not use in the development of the proposed rates. The plans would then be able to spot errors in DOH's assumptions and request an actuarial-soundness review of the rates at least ten days prior to DOH's submission to CMS. If DOH grants the review, DOH would not submit the rates to CMS until the review is completed. If DOH declines the review, DOH would provide a written explanation to the plans giving clear reasons why the request is denied.

NYS Community Doula Directory for Doulas Serving Medicaid Patients (S1867-A/ Brouk/ A5435-A Solages)

This bill requires DOH to establish and maintain the New York State Community Doula Directory for doulas on the department's website for purposes of Medicaid reimbursement and promoting doula services to Medicaid recipients; establishes criteria for admittance into the New York State community doula directory; marks related provisions.

Medicaid Reimbursement for Violence Prevention Programs (S580-A Hoylman-Sigal/ A2893-A Gonzalez-Rojas)

This bill allows Medicaid reimbursement for violence prevention programs. This bill defines community violence, community violence prevention services and amends the state Medicaid plan to provide coverage for community violence prevention services for specific beneficiaries.

Insurance Coverage for Pre or Post Exposure Prophylaxis (S825 Hoylman-Sigal/ A1326 O'Donnell)

This bill is a chapter amendment that makes changes to chapter 721 of the Laws of 2022 to clarify provisions relating to applying coverage requirements for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection to health plans in the state. The changes exempt individuals from policies from this requirement since it would create a state fiscal as it would be seen as a new mandated benefit; and allow cost sharing if required by state law or federal recommendations. This bill was signed Chapter 79 of the Laws of 2023 on March 3, 2023.

**Notice of Adverse Determination Related to Step Therapy Protocol Determination (S2677 Breslin/
A463-A McDonald)**

The bill amends the insurance law and the public health law, in relation to requiring notice of adverse step therapy determination. This bill also provides information on how the patient of a prescribing health professional can appeal said determination.