



New York State Public Health Association (NYSPHA)

November 22, 2022

The Honorable Kathy Hochul
Governor of New York State
New York State Capitol
Albany, NY 12224

RE: NYSPHA Recommends signing A.7408-A (Gottfried) / S.7501 (Hinchey) to amend the public health law, in relation to financial responsibility for human post-exposure treatment for rabies.

Dear Governor Hochul,

The New York State Public Health Association (NYSPHA) is pleased to provide our recommendations to you on these bills that have passed both houses of the legislature. NYSPHA is the New York affiliate of the American Public Health Association (APHA) and serves as the statewide organization for members from all disciplines across the spectrum of public health professionals, organizations, academia, and students pursuing careers in public health. Our mission is to improve the public's health through advocacy, education, networking, and professional development.

NYSPHA strongly supports this legislation that addresses the current barriers to reimbursement for rabies post-exposure treatment. The county health authority is responsible, in accordance with public health law, for the services necessary to remediate cases of human rabies. Rabies is a deadly zoonotic disease with a 99.9% fatality rate if left untreated. Due to the significant risk posed by rabies exposure, it is imperative that barriers to treatment be minimized. The proposed amendments to public health law regarding rabies expenses would remove current administrative impediments related to third-party reimbursement, by allowing local health authority approval to be sufficient prior to approval for insurers.

Local health departments investigate potential cases of rabies exposure to assure that all those who have either a known or likely exposure get post-exposure treatment as quickly as possible, and to also assure that individuals who were not exposed do not undergo painful and expensive unnecessary treatment. These case investigations should serve as adequate confirmation for third party insurers that the treatment is medically necessary. This will prevent potential delays of treatment that might result due to current additional prior approvals, as well as denial of claims post-treatment. To further equalize treatment charges for individuals exposed to rabies who require post-exposure prophylaxis, this legislation would require that providers accept rates set by the Commissioner of Health. Rates can vary significantly for the same post-exposure treatment, and each local health department is in the position of negotiating rates with hospitals at additional cost to the local taxpayers. Because rabies post-exposure treatment expenses paid by counties are for uninsured individuals, it is

appropriate for the state to set a statewide standard rate that is no less than the state's Medicaid rate for treatment.

Finally, this legislation would allow for authorization of treatment by either the New York City Department of Health and Mental Hygiene or the New York State Department of Health for individuals exposed to rabies in New York City who are residents of counties outside of the city. Typically, treatment initiated due to an exposure in New York City is often completed in the county of residence. Expenses for treatment whether in New York City, or completed in the home county, are the responsibility of the county of residence. Because New York City operates under its own rabies statute, allowing authorization by either the New York City or New York State Department of Health provides additional avenues for New York City based providers to obtain treatment authorization and provides confirmation to the county of residence that the treatment was necessary and appropriate. Ongoing support of the state's property tax cap requires that the state and localities be stewards of public funds and remove barriers to reimbursement from third parties where such reimbursement is appropriate and required by law. NYSPHA therefore supports this legislation and recommends it be enacted into law.

NYSPHA's Recommendation:

We respectfully ask you to sign A.7408-A (Gottfried) / S.7501 (Hinchey) to amend the public health law, in relation to financial responsibility for human post-exposure treatment for rabies. This will remove all barriers and delays to medically necessary treatment to prevent a uniformly fatal but fully preventable disease.

Sincerely,



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CC: *Elizabeth Fine, Counsel to the Governor*
Karen Persichilli Keogh, Secretary to the Governor
Sarah Ravenhall, Executive Director, New York State Association of County Health
Officials