



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 970 with Amendments **Lisae C. Jordan, Executive Director & Counsel** February 17, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. MCASA urges the Health & Government Operations Committee to issue a favorable report on House Bill 970 with Amendments.

House Bill 970 – Prohibiting Pre-Authorization Requirements for n-PEP

This bill would prohibit Managed Care Organizations and Health Insurance Carriers from requiring preauthorization for nPEP, the time sensitive medication which can prevent HIV infection. While this bill responds to a case involving a sexual assault survivor, MCASA supports amendments to expand the prohibition to all people for both public health reasons and to protect the privacy of sexual assault survivors.

One of the risks faced by rape survivors is HIV infection.¹ Studies of HIV transmission have been based on consensual sexual activity, and do not account for the violence of rape, so it is unclear what the risk level is, however, 91.9% of rape victims reported some degree of initial fear or concern for contracting HIV and 72.6% reported extreme fear or concern for contracting HIV.² Treatment must begin within 72 hours of exposure and is referred to as non-occupational post exposure prophylaxis (nPEP).

As this Committee knows, since 2019, rape survivors have been provided with access to medication to prevent HIV infection after a sexual assault. Criminal Procedure Article §11-1008. (HB245 would lift a sunset on this program and was heard by this Committee earlier this session.) Under the nPEP program, upon request of a rape victim, and with a prescription from his or her medical provider, the State will pay for the full course of HIV prevention treatment.

Under the current nPEP for Rape Survivors program, patients have the option of using their insurance or not in order to protect their privacy. Survivors who decline to provide their insurance information are

¹ Draughon, J. (2012). *Sexual Assault Injuries and Increased Risk of HIV Transmission*.

² Resnick, H., Monnier, J., Seals, B., Holmes, M., Walsh, J., Acierno, R., Kilpatrick, D., (2002). *Rape-Related HIV Risk Concerns Among Recent Rape Victims*.

provided with nPEP through the criminal injuries compensation fund administered by the Governor's Office of Crime Prevention, Youth & Victim Services.

Last year, a survivor presented for treatment and gave her insurance information to the health care provider. The sexual assault was recent, but the patient was nearing the end of the treatment window (72 hours). *The Medicaid provider declined to cover the nPEP medication because the rape survivor did not get preauthorization. The survivor did not get treatment. It is not known whether she now has an HIV infection.* This case is even more horrifying because if the survivor had declined to share her insurance information, she would have been given the medication.

Maryland's public policy should support rape survivors following an assault, not impose bureaucratic barriers to treatment. Insurance companies, including Medicaid providers, should be prohibited from requiring preauthorization for nPEP.

Amendments

As noted, MCASA supports amendments striking provisions limiting this bill to known sexual assault survivors. A patient should not have to disclose sexual assault in order to receive this life and health saving treatment. On page 2, in line 7, strike beginning with "IF THE" through and including "OFFENSE" in line 9; and in line 26, strike beginning with "IF THE" through and including "OFFENSE" in line 29.

**The Maryland Coalition Against Sexual Assault urges the
Health & Government Operations Committee to
report favorably on House Bill 970 with Amendments**

