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*Subcommittees*

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**THE MARYLAND HOUSE OF DELEGATES**  
**ANNAPOLIS, MARYLAND 21401**

**HB 970- Managed Care Organizations and Health Insurance Carriers – Prior  
Authorization – Prohibition**  
**February 17, 2022**

Madam Chair, Madam Vice Chair and Members of the Committee,

Thank you for the opportunity to present HB 970 which prohibits prior authorization requirements for HIV postexposure prophylaxis medications, commonly referred to as PEP.

PEP is used to prevent HIV after a person is exposed to the virus. This medication works by stopping the virus from replicating but must be taken within 72 hours of exposure. The quicker it is taken, the lower the chance of infection. Prior authorization reviews can take hours, sometimes days, and can delay or even deny the provision of this life altering care.

Under a pilot program we established in 2019 to prevent HIV infection in rape survivors, the state's Criminal Injuries Compensation Board covers the costs of care for anyone who visits a hospital after an assault and are either uninsured or do not wish to disclose the assault to their insurance carrier. Should it pass, HB 245 introduced this year by Del. Reznik will extend the fund and make it permanent. However, this fund does not provide PEP for patients who present at an urgent care or clinical office.

The origins of this bill stem from the annual pre-session meeting of the Montgomery County Delegation with Med-chi members. A physician reported that in her urgent care clinic, a sexual assault survivor was denied access to PEP due to the barrier of pre-authorization requirements. A quick survey of Maryland's carriers revealed that most do not have pre-authorization requirements for post-exposure prophylaxis. However, the practice is not prohibited and unfortunately at least one MCO has a preauthorization requirement.

As originally drafted, the prohibition on preauthorization would only apply to sexual assault survivors. After consultation with victim advocates and insurance carriers, we have developed a sponsor amendment to ensure patient privacy and clarify the prohibition on prior authorization would include post-exposure individuals - not just disclosed victims of sexual assault.

According to Maryland Coalition Against Sexual Assault, 1,891 individuals in Maryland were sexually assaulted in 2020. Studies show that women who are raped have a 60% higher risk of contracting HIV and PEP can lower the risk of getting HIV by 80%. About 31,676 Marylanders over the age of 13 are living with HIV today and the average cost of treatment is \$20,000 a year. It's imperative that people get these medications in a timely manner.

I urge favorable consideration of HB 970