

1 A bill to be entitled

2 An act relating to Hepatitis C testing; creating s.
3 381.0044, F.S.; providing definitions; requiring
4 specified persons to be offered Hepatitis C testing;
5 providing for followup health care for persons with a
6 positive test result; requiring the Department of
7 Health to adopt rules; providing for applicability
8 with respect to Hepatitis C testing by health care
9 practitioners; requiring a report to the Governor and
10 Legislature; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 381.0044, Florida Statutes, is created
15 to read:

16 381.0044 Hepatitis C testing.—

17 (1) As used in this section, the term:

18 (a) "Health care practitioner" means a physician licensed
19 under chapter 458; an osteopathic physician licensed under
20 chapter 459; or an advanced registered nurse practitioner,
21 registered nurse, or licensed practical nurse licensed under
22 part I of chapter 464.

23 (b) "Hepatitis C diagnostic test" means a laboratory test
24 that detects the presence of the Hepatitis C virus in the blood
25 and provides confirmation of a Hepatitis C virus infection.

26 (c) "Hepatitis C screening test" means a laboratory test

27 that detects the presence of Hepatitis C virus antibodies in the
28 blood.

29 (2) A person born between January 1, 1945, and December
30 31, 1965, who receives health care services as an inpatient in a
31 general hospital as defined in s. 395.002, receives primary care
32 services in a hospital inpatient or outpatient setting, or
33 receives primary care services from a physician, physician
34 assistant, or nurse practitioner shall be offered a Hepatitis C
35 screening test unless the health care practitioner providing
36 those services reasonably believes that the person:

37 (a) Is being treated for a life-threatening emergency;

38 (b) Has previously been offered or has been the subject of
39 a Hepatitis C screening test; however, if the person's medical
40 condition indicates the need for testing, a test shall be
41 offered; or

42 (c) Lacks the capacity to consent to a Hepatitis C
43 screening test.

44 (3) If a person accepts the offer of a Hepatitis C
45 screening test and receives a positive test result, the health
46 care practitioner shall offer the person followup health care or
47 refer the person to a health care provider who can provide
48 followup health care. The followup health care shall include a
49 Hepatitis C diagnostic test.

50 (4) The Department of Health shall adopt rules to
51 implement culturally and linguistically appropriate procedures
52 for offering Hepatitis C screening in accordance with this

53 section.

54 (5) This section does not affect the scope of practice of
55 a health care practitioner or diminish the authority or legal or
56 professional obligation of any health care practitioner to offer
57 a Hepatitis C screening test or Hepatitis C diagnostic test or
58 to provide services or followup health care for the subject of a
59 Hepatitis C screening test or Hepatitis C diagnostic test.

60 (6) On or before January 1, 2016, the State Surgeon
61 General shall submit a report evaluating the effectiveness of
62 the Hepatitis C testing program established in this section. The
63 State Surgeon General shall submit the report to the Governor,
64 the President of the Senate, the Speaker of the House of
65 Representatives, and the chairs of the appropriate substantive
66 committees of the Legislature.

67 Section 2. This act shall take effect July 1, 2014.