

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 and make available Hepatitis C
8 information to health care practitioners; providing
9 for applicability with respect to Hepatitis C testing
10 by health care practitioners; requiring a report to
11 the Governor and Legislature; providing an effective
12 date.

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

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16 Section 1. Section 381.0044, Florida Statutes, is created
17 to read:

18 381.0044 Hepatitis C testing.-

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

20 (a) "Health care practitioner" means a person licensed
21 under chapter 458 or chapter 459 or an advanced registered nurse
22 practitioner certified under 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 any Food and Drug

27 Administration (FDA)-approved laboratory screening test, FDA-
28 approved rapid point-of-care test, or other FDA-approved test
29 that detects the presence of Hepatitis C antibodies in the
30 blood.

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

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

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

44 (c) Lacks the capacity to consent to a Hepatitis C
45 screening test.

46 (3) If a patient accepts the offer of a Hepatitis C
47 screening test and receives a positive test result, the health
48 care practitioner shall forward the results to the patient's
49 primary care health care practitioner who can provide the
50 appropriate counseling and followup health care. The followup
51 health care shall include a Hepatitis C diagnostic test.

52 (4) The Department of Health shall adopt rules to

53 implement culturally and linguistically appropriate procedures
54 for offering Hepatitis C screening in accordance with this
55 section and must make available to health care practitioners a
56 standard Hepatitis C information sheet to use when discussing
57 and offering the screening test to patients.

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

64 (6) On or before January 1, 2016, the State Surgeon
65 General shall submit a status report on the Hepatitis C testing
66 program established in this section to the Governor, the
67 President of the Senate, the Speaker of the House of
68 Representatives, and the chairs of the appropriate substantive
69 committees of the Legislature.

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