

By Senator Joyner

19-01236-14

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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 followup health care for persons with a  
6       positive test result; requiring the Department of  
7       Health to adopt rules; providing applicability with  
8       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 31,

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1965, who receives health care services as an inpatient in a general hospital as defined in s. 395.002, primary care services in a hospital inpatient or outpatient setting, or primary care services from a physician, physician assistant, or nurse practitioner shall be offered a Hepatitis C screening test unless the health care practitioner providing those services reasonably believes that the person:

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

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

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

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

(4) The Department of Health shall adopt rules that provide procedures for culturally and linguistically offering Hepatitis C screening in accordance with this section.

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

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

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