

By the Committee on Health Policy; and Senators Joyner and Flores

588-02835-14

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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 requiring a health care practitioner to provide
6 followup health care to persons who receive a positive
7 test result; requiring the Department of Health to
8 adopt rules and make standard hepatitis C information
9 sheets available to health care practitioners;
10 providing applicability with respect to hepatitis C
11 testing by health care practitioners; requiring a
12 report to the Governor and the Legislature; providing
13 an effective date.

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

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

19 381.0044 Hepatitis C testing.—

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

21 (a) "Health care practitioner" means a person licensed
22 under chapter 458 or chapter 459, or an advanced registered
23 nurse practitioner certified under part I of chapter 464.

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

27 (c) "Hepatitis C screening test" means a federal Food and
28 Drug Administration (FDA)-approved laboratory screening test,
29 FDA-approved rapid point-of-care test, or other FDA-approved

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30 test that detects the presence of hepatitis C antibodies in the
31 blood.

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

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

46 (3) If a person 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 person's
49 primary care health care practitioner who can provide the
50 appropriate counseling and followup health care. The followup
51 health care must include a hepatitis C diagnostic test.

52 (4) The Department of Health shall:

53 (a) Adopt rules that provide procedures for culturally and
54 linguistically offering hepatitis C screening in accordance with
55 this section; and

56 (b) Make available to health care practitioners a standard
57 hepatitis C information sheet to use when discussing and
58 offering the screening test to patients.

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

65 (6) The State Surgeon General shall submit a status report
66 evaluating the effectiveness of the hepatitis C testing program
67 established in this section by January 1, 2016. The State
68 Surgeon General shall submit the report to the Governor, the
69 President of the Senate, the Speaker of the House of
70 Representatives, and the chairs of the appropriate substantive
71 committees of the Legislature.

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