

By Senator Joyner

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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 the forwarding of positive test results;
6 requiring the Department of Health to adopt rules and
7 make standard hepatitis C information sheets available
8 to health care practitioners; providing applicability
9 with respect to hepatitis C testing by health care
10 practitioners; requiring the State Surgeon General to
11 submit a report to the Governor and the Legislature;
12 providing an effective 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
22 nurse 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 viral infection.

26 (c) "Hepatitis C screening test" means a federal Food and
27 Drug Administration (FDA)-approved laboratory screening test,
28 FDA-approved rapid point-of-care test, or other FDA-approved
29 test that detects the presence of hepatitis C antibodies in the

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30 blood.

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

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

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

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

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

51 (4) The Department of Health shall:

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

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

58 (5) This section does not affect the scope of practice of a

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59 health care practitioner or diminish the authority or legal or
60 professional obligation of a health care practitioner to offer a
61 hepatitis C screening test or hepatitis C diagnostic test or to
62 provide services or followup health care to the subject of a
63 hepatitis C screening test or hepatitis C diagnostic test.

64 (6) The State Surgeon General shall submit a status report
65 evaluating the effectiveness of the hepatitis C testing program
66 established in this section by January 1, 2017. The State
67 Surgeon General shall submit the report to the Governor, the
68 President of the Senate, the Speaker of the House of
69 Representatives, and the chairs of the appropriate substantive
70 committees of the Legislature.

71 Section 2. This act shall take effect July 1, 2015.