

By Senator Joyner

19-01053-15

20151472__

1 A bill to be entitled
2 An act relating to hepatitis C testing for veterans;
3 creating s. 381.0048, F.S.; providing definitions;
4 requiring hospitals and health care practitioners to
5 offer hepatitis C testing to veterans; requiring a
6 health care practitioner to provide health care to
7 veterans who receive a positive test result; requiring
8 the Department of Health to adopt rules; requiring the
9 department to make available standard hepatitis C
10 information sheets to health care practitioners;
11 providing a statement regarding scope of practice and
12 legal and professional obligations of health care
13 practitioners with respect to hepatitis C testing;
14 requiring a report to the Governor and the
15 Legislature; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 381.0048, Florida Statutes, is created
20 to read:

21 381.0048 Hepatitis C testing for veterans.-

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

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

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

19-01053-15

20151472__

30 (c) "Hepatitis C screening test" means a federal Food and
31 Drug Administration (FDA)-approved laboratory screening test, an
32 FDA-approved, rapid, point-of-care test, or another FDA-approved
33 test that detects the presence of hepatitis C antibodies in the
34 blood.

35 (d) "Veteran" has the same meaning as in s. 1.01(14).

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

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

44 (b) Has previously been offered or has been the subject of
45 a hepatitis C screening test; however, if the veteran's medical
46 condition indicates the need for additional testing, a test must
47 be offered; or

48 (c) Lacks the capacity to consent to a hepatitis C
49 screening test.

50 (3) If a veteran accepts the offer of a hepatitis C
51 screening test and receives a positive test result, the health
52 care practitioner shall forward the results to the veteran's
53 primary care health care practitioner, who may provide the
54 appropriate counseling and followup health care, which must
55 include a hepatitis C diagnostic test.

56 (4) The Department of Health shall:

57 (a) Adopt rules that provide culturally and linguistically
58 appropriate procedures for offering veterans the hepatitis C

19-01053-15

20151472__

59 screening test in accordance with this section; and

60 (b) Make available to health care practitioners a standard
61 hepatitis C information sheet for use in discussing and offering
62 the screening test to patients.

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

69 (6) By January 1, 2017, the State Surgeon General shall
70 submit to the Governor, the President of the Senate, the Speaker
71 of the House of Representatives, and the chairs of the
72 appropriate substantive committees of the Legislature a status
73 report evaluating the effectiveness of the hepatitis C testing
74 program established in this section.

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