A bill to be entitled
An act relating to Hepatitis C testing; creating s. 381.0044, F.S.; providing definitions; requiring specified persons to be offered Hepatitis C testing; providing for followup health care for persons with a positive test result; requiring the Department of Health to adopt rules; providing for applicability with respect to Hepatitis C testing by health care practitioners; requiring a report to the Governor and Legislature; providing an effective date.

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

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

381.0044 Hepatitis C testing.—
(1) As used in this section, the term:
(a) "Health care practitioner" means a physician licensed under chapter 458; an osteopathic physician licensed under chapter 459; or an advanced registered nurse practitioner, registered nurse, or licensed practical nurse licensed under part I of chapter 464.
(b) "Hepatitis C diagnostic test" means a laboratory test that detects the presence of the Hepatitis C virus in the blood and provides confirmation of a Hepatitis C virus infection.
(c) "Hepatitis C screening test" means a laboratory test...
that detects the presence of Hepatitis C virus antibodies in the blood.

(2) A person born between January 1, 1945, and December 31, 1965, who receives health care services as an inpatient in a general hospital as defined in s. 395.002, receives primary care services in a hospital inpatient or outpatient setting, or receives 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 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 shall include a Hepatitis C diagnostic test.

(4) The Department of Health shall adopt rules to implement culturally and linguistically appropriate procedures for 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 for the subject of a Hepatitis C screening test or Hepatitis C diagnostic test.

(6) On or before January 1, 2016, the State Surgeon General shall submit a report evaluating the effectiveness of the Hepatitis C testing program established in this section. The State Surgeon General shall submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature.

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