

2750

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring hospitals to offer hepatitis C testing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 2171 to read as follows:
3 S 2171. REQUIRED OFFERING OF HEPATITIS C RELATED TESTING. 1. EVERY
4 INDIVIDUAL BORN BETWEEN THE YEARS OF NINETEEN HUNDRED FORTY-FIVE AND
5 NINETEEN HUNDRED SIXTY-FIVE WHO RECEIVES HEALTH SERVICES AS AN INPATIENT
6 OR IN THE EMERGENCY DEPARTMENT OF A GENERAL HOSPITAL DEFINED IN SUBDIVI-
7 SION TEN OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER OR WHO
8 RECEIVES PRIMARY CARE SERVICES IN AN OUTPATIENT DEPARTMENT OF SUCH
9 HOSPITAL OR IN A DIAGNOSTIC AND TREATMENT CENTER LICENSED UNDER ARTICLE
10 TWENTY-EIGHT OF THIS CHAPTER OR FROM A PHYSICIAN, PHYSICIAN ASSISTANT OR
11 A NURSE PRACTITIONER PROVIDING PRIMARY CARE SHALL BE OFFERED A HEPATITIS
12 C RELATED TEST UNLESS THE HEALTH CARE PRACTITIONER PROVIDING SUCH
13 SERVICES REASONABLY BELIEVES THAT:
14 (A) THE INDIVIDUAL IS BEING TREATED FOR A LIFE THREATENING EMERGENCY;
15 OR
16 (B) THE INDIVIDUAL HAS PREVIOUSLY BEEN OFFERED OR HAS BEEN THE SUBJECT
17 OF A HEPATITIS C RELATED TEST (EXCEPT THAT A TEST SHALL BE OFFERED IF
18 OTHERWISE INDICATED); OR
19 (C) THE INDIVIDUAL LACKS CAPACITY TO CONSENT TO A HEPATITIS C RELATED
20 TEST.
21 2. AS USED IN THIS SECTION, "PRIMARY CARE" MEANS THE MEDICAL FIELDS OF
22 FAMILY MEDICINE, GENERAL PEDIATRICS, PRIMARY CARE, INTERNAL MEDICINE,
23 PRIMARY CARE OBSTETRICS, OR PRIMARY CARE GYNECOLOGY, WITHOUT REGARD TO
24 BOARD CERTIFICATION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD00481-01-3

1 3. THE OFFERING OF HEPATITIS C RELATED TESTING UNDER THIS SECTION
2 SHALL BE CULTURALLY AND LINGUISTICALLY APPROPRIATE IN ACCORDANCE WITH
3 RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER.

4 4. THIS SECTION SHALL NOT AFFECT THE SCOPE OF PRACTICE OF ANY HEALTH
5 CARE PRACTITIONER OR DIMINISH ANY AUTHORITY OR LEGAL OR PROFESSIONAL
6 OBLIGATION OF ANY HEALTH CARE PRACTITIONER TO OFFER A HEPATITIS C
7 RELATED TEST OR TO PROVIDE SERVICES OR CARE FOR THE SUBJECT OF A HEPATI-
8 TIS C RELATED TEST.

9 S 2. This act shall take effect on the sixtieth day after it shall
10 have become a law.