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I N   A S S E M B L Y

June 7, 2012

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Zebrowski)  
-- read once and referred 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.  
25    3. THE OFFERING OF HEPATITIS C RELATED TESTING UNDER THIS SECTION  
26    SHALL BE CULTURALLY AND LINGUISTICALLY APPROPRIATE IN ACCORDANCE WITH  
27    RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER.

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

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

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