

2750--A

2013-2014 Regular Sessions

I N   S E N A T E

January 23, 2013

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Introduced by Sens. HANNON, ADAMS, BOYLE, CARLUCCI, FELDER, FUSCHILLO, HASSELL-THOMPSON, HOYLMAN, KRUEGER, MONTGOMERY, PARKER, PERKINS, SAMPSON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring hospitals to offer hepatitis C testing; and providing for the repeal of such provisions upon expiration thereof

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 SCREENING 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     IN A GENERAL HOSPITAL DEFINED IN SUBDIVISION TEN OF SECTION TWENTY-EIGHT  
7     HUNDRED ONE OF THIS CHAPTER OR WHO RECEIVES PRIMARY CARE SERVICES IN AN  
8     OUTPATIENT DEPARTMENT OF SUCH HOSPITAL OR IN A DIAGNOSTIC AND TREATMENT  
9     CENTER LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER OR FROM A  
10    PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER PROVIDING PRIMARY  
11    CARE SHALL BE OFFERED A HEPATITIS C SCREENING TEST OR HEPATITIS C DIAG-  
12    NOSTIC TEST UNLESS THE HEALTH CARE PRACTITIONER PROVIDING SUCH SERVICES  
13    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 SCREENING TEST (EXCEPT THAT A TEST SHALL BE OFFERED IF  
18    OTHERWISE INDICATED); OR

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

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1 (C) THE INDIVIDUAL LACKS CAPACITY TO CONSENT TO A HEPATITIS C SCREEN-  
2 ING TEST.

3 2. IF AN INDIVIDUAL ACCEPTS THE OFFER OF A HEPATITIS C SCREENING TEST  
4 AND THE SCREENING TEST IS REACTIVE, THE HEALTH CARE PROVIDER SHALL  
5 EITHER OFFER THE INDIVIDUAL FOLLOW-UP HEALTH CARE OR REFER THE INDIVID-  
6 UAL TO A HEALTH CARE PROVIDER WHO CAN PROVIDE FOLLOW-UP HEALTH CARE. THE  
7 FOLLOW-UP HEALTH CARE SHALL INCLUDE A HEPATITIS C DIAGNOSTIC TEST.

8 3. THE OFFERING OF HEPATITIS C SCREENING TESTING UNDER THIS SECTION  
9 SHALL BE CULTURALLY AND LINGUISTICALLY APPROPRIATE IN ACCORDANCE WITH  
10 RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER.

11 4. THIS SECTION SHALL NOT AFFECT THE SCOPE OF PRACTICE OF ANY HEALTH  
12 CARE PRACTITIONER OR DIMINISH ANY AUTHORITY OR LEGAL OR PROFESSIONAL  
13 OBLIGATION OF ANY HEALTH CARE PRACTITIONER TO OFFER A HEPATITIS C  
14 SCREENING TEST OR HEPATITIS C DIAGNOSTIC TEST OR TO PROVIDE SERVICES OR  
15 CARE FOR THE SUBJECT OF A HEPATITIS C SCREENING TEST OR HEPATITIS C  
16 DIAGNOSTIC TEST.

17 5. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL  
18 HAVE THE FOLLOWING MEANINGS:

19 (A) "HEPATITIS C DIAGNOSTIC TEST" SHALL MEAN ANY LABORATORY TEST OR  
20 TESTS THAT DETECT THE PRESENCE OF HEPATITIS C VIRUS IN THE BLOOD AND  
21 PROVIDES CONFIRMATION OF WHETHER THE INDIVIDUAL HAS A HEPATITIS C VIRUS  
22 INFECTION.

23 (B) "HEPATITIS C SCREENING TEST" SHALL MEAN ANY LABORATORY SCREENING  
24 TEST OR TESTS THAT DETECT THE PRESENCE OF HEPATITIS C VIRUS ANTIBODIES  
25 IN THE BLOOD.

26 (C) "PRIMARY CARE" MEANS THE MEDICAL FIELDS OF FAMILY MEDICINE, GENER-  
27 AL PEDIATRICS, PRIMARY CARE, INTERNAL MEDICINE, PRIMARY CARE OBSTETRICS,  
28 OR PRIMARY CARE GYNECOLOGY, WITHOUT REGARD TO BOARD CERTIFICATION.

29 S 2. On or before January 1, 2016, the commissioner of health shall  
30 evaluate and report on the impact of this act with respect to the number  
31 of persons who are screened for hepatitis C and the number of persons  
32 who have accessed care following a positive test. Such report shall be  
33 submitted to the governor and to the chairs of the assembly and senate  
34 committees on health.

35 S 3. This act shall take effect on the first of January next succeed-  
36 ing the date on which it shall have become a law and shall expire and be  
37 deemed repealed January 1, 2020; provided, however, that the commission-  
38 er of health is authorized to adopt rules and regulations necessary to  
39 implement this act prior to such effective date.