*** § 2171. Required offering of hepatitis C screening testing.** 1. Every individual age eighteen and older (or younger than eighteen if there is evidence or indication of risk activity) who receives health services as an inpatient or in the emergency department of a general hospital defined in subdivision ten of section twenty-eight hundred one of this chapter or who receives primary care services in an outpatient department of such hospital or in a diagnostic and treatment center licensed under article twenty-eight of this chapter or from a physician, physician assistant, nurse practitioner or midwife providing primary care shall be offered a hepatitis C screening test unless the health care practitioner providing such services reasonably believes that:

(a) the individual is being treated for a life threatening emergency; or

(b) the individual has previously been offered or has been the subject of a hepatitis C screening test (except that a test shall be offered if otherwise indicated); or

(c) the individual lacks capacity to consent to a hepatitis C screening test.

2. If an individual accepts the offer of a hepatitis C screening test and the screening test is reactive, an HCV RNA test must be performed, on the same specimen or a second specimen collected at the same time as the initial HCV screening test specimen, to confirm diagnosis of current infection. The health care provider shall either offer all persons with a detectable HCV RNA test follow-up HCV health care and treatment or refer the individual to a health care provider who can provide follow-up HCV health care and treatment.

3. The offering of hepatitis C screening testing under this section shall be culturally and linguistically appropriate in accordance with rules and regulations promulgated by the commissioner.

4. This section shall not affect the scope of practice of any health care practitioner or diminish any 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 care for the subject of a hepatitis C screening test or hepatitis C

diagnostic test.

5. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Hepatitis C diagnostic test" shall mean any laboratory test or tests that detect the presence of hepatitis C virus in the blood and provides confirmation of whether the individual has a hepatitis C virus infection.

(b) "Hepatitis C screening test" shall mean any laboratory screening test or tests that detect the presence of hepatitis C virus antibodies in the blood.

(c) "Primary care" means the medical fields of family medicine, general pediatrics, primary care, internal medicine, primary care obstetrics, or primary care gynecology, without regard to board certification.

* NB Repealed January 1, 2030