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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

27 blood.

28 (2) A person born between January 1, 1945, and December
29 31, 1965, who receives health care services as an inpatient in a
30 general hospital as defined in s. 395.002, receives primary care
31 services in a hospital inpatient or outpatient setting, or
32 receives primary care services from a physician, physician
33 assistant, or nurse practitioner shall be offered a Hepatitis C
34 screening test unless the health care practitioner providing
35 those services reasonably believes that the person:

36 (a) Is being treated for a life-threatening emergency;

37 (b) Has previously been offered or has been the subject of
38 a Hepatitis C screening test; however, if the person's medical
39 condition indicates the need for testing, a test shall be
40 offered; or

41 (c) Lacks the capacity to consent to a Hepatitis C
42 screening test.

43 (3) If a person accepts the offer of a Hepatitis C
44 screening test and receives a positive test result, the health
45 care practitioner shall offer the person followup health care or
46 refer the person to a health care provider who can provide
47 followup health care. The followup health care shall include a
48 Hepatitis C diagnostic test.

49 (4) The Department of Health shall adopt rules to
50 implement culturally and linguistically appropriate procedures
51 for offering Hepatitis C screening in accordance with this
52 section.

53 (5) This section does not affect the scope of practice of
54 a health care practitioner or diminish the authority or legal or
55 professional obligation of any health care practitioner to offer
56 a Hepatitis C screening test or Hepatitis C diagnostic test or
57 to provide services or followup health care for the subject of a
58 Hepatitis C screening test or Hepatitis C diagnostic test.

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

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