

No. 2016-87

AN ACT

HB 59

Providing for hepatitis C testing and treatment and for duties of the Department of Health.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Hepatitis C Screening Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Health of the Commonwealth.

"Health care facility." As defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Health care practitioner." As defined in section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Health care provider." As defined in section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Hepatitis C diagnostic test." Any laboratory test or tests that detect the presence of hepatitis C virus in the blood and provide confirmation of whether an individual has a hepatitis C virus infection.

"Hepatitis C screening test." Any screening test or tests that detect the presence of hepatitis C virus antibodies in the blood.

"Hospital." As defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Physician." As defined in section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

"Primary care." Health care that emphasizes a patient's general health needs and utilizes collaboration with other health care professionals and consultation or referral as appropriate to meet the needs identified.

Section 3. Hepatitis C screening.

(a) Requirement.—Each individual born between the years of 1945 and 1965 who receives health services as an inpatient in a hospital or who receives primary care services in an outpatient department of a hospital, health care facility or physician's office shall be offered a hepatitis C screening test or hepatitis C diagnostic test unless the health care practitioner providing the services reasonably believes at least one of the following:

(1) The individual is being treated for a life-threatening emergency.

(2) The individual has previously been offered or has been the subject of a hepatitis C screening test.

(3) The individual lacks capacity to consent to a hepatitis C screening test.

(b) Follow-up health care.—If an individual accepts the offer of a hepatitis C screening test and the screening test is reactive, the health care provider shall either offer the individual follow-up health care or refer the individual to a health care provider who can provide follow-up health care. The follow-up health care shall include a hepatitis C diagnostic test.

Section 4. Licensed practitioners.

This act 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.

Section 5. Duties of department.

The offering of hepatitis C screening tests under this act shall be culturally and linguistically appropriate in accordance with regulations promulgated by the department.

Section 6. Effective date.

This act shall take effect in 60 days.

APPROVED—The 20th day of July, A.D. 2016

TOM WOLF