

HOUSE BILL 543

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4r1204
CF 4r1577

By: **Delegates Nathan–Pulliam, Braveboy, Burns, Costa, Cullison, Frush, Griffith, Hubbard, Jones, Kach, A. Kelly, Murphy, Oaks, Pena–Melnik, Swain, Tarrant, and V. Turner**

Introduced and read first time: January 29, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Hepatitis C – Opportunity for Testing and Follow–Up Health Care**

3 FOR the purpose of requiring certain hospitals and certain health care practitioners
4 who provide certain care in certain health care facilities to offer certain
5 individuals a Hepatitis C screening test or Hepatitis C diagnostic test;
6 establishing the circumstances under which a hospital or certain health care
7 practitioner is not required to offer certain tests to certain individuals; requiring
8 hospitals and certain health care practitioners to offer certain health care to or
9 make a certain referral for certain individuals under certain circumstances;
10 requiring a certain offer of certain testing to be culturally and linguistically
11 appropriate; requiring the Department of Health and Mental Hygiene to collect,
12 analyze, and, on or before a certain date each year, report on certain
13 information to certain committees of the General Assembly; defining certain
14 terms; and generally relating to Hepatitis C testing and health care.

15 BY adding to

16 Article – Health – General

17 Section 18–1003

18 Annotated Code of Maryland

19 (2009 Replacement Volume and 2013 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Health – General**

23 **18–1003.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 **(2) (I) "HEALTH CARE FACILITY" MEANS A FACILITY OR**
4 **OFFICE WHERE HEALTH OR MEDICAL CARE IS PROVIDED TO PATIENTS BY A**
5 **HEALTH CARE PRACTITIONER.**

6 **(II) "HEALTH CARE FACILITY" INCLUDES A LIMITED**
7 **SERVICE HOSPITAL, AS DEFINED IN § 19-301 OF THIS ARTICLE.**

8 **(III) "HEALTH CARE FACILITY" DOES NOT INCLUDE A**
9 **HOSPITAL.**

10 **(3) "HEALTH CARE PRACTITIONER" MEANS A PERSON WHO IS**
11 **LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH**
12 **OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE SERVICES IN THE**
13 **ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION.**

14 **(4) "HEPATITIS C DIAGNOSTIC TEST" MEANS A HEPATITIS C**
15 **VIRAL RNA LABORATORY TEST THAT:**

16 **(I) DETECTS THE PRESENCE OF HEPATITIS C VIRUS IN AN**
17 **INDIVIDUAL'S BLOOD; AND**

18 **(II) PROVIDES CONFIRMATION OF WHETHER THE**
19 **INDIVIDUAL HAS A HEPATITIS C VIRUS INFECTION.**

20 **(5) "HEPATITIS C SCREENING TEST" MEANS A LABORATORY**
21 **SCREENING TEST THAT DETECTS THE PRESENCE OF HEPATITIS C VIRUS**
22 **ANTIBODIES IN THE BLOOD.**

23 **(6) "HOSPITAL" HAS THE MEANING STATED IN § 19-301 OF THIS**
24 **ARTICLE.**

25 **(7) "QUALIFYING INDIVIDUAL" INCLUDES:**

26 **(I) AN INDIVIDUAL BORN BETWEEN THE YEARS OF 1945**
27 **AND 1965, BOTH INCLUSIVE;**

28 **(II) A CURRENT OR FORMER USER OF AN INJECTION DRUG;**

29 **(III) A RECIPIENT OF A BLOOD TRANSFUSION, BLOOD**
30 **PRODUCT, OR ORGAN TRANSPLANT BEFORE 1992;**

1 (IV) A RECIPIENT OF A BLOOD CLOTTING PRODUCT BEFORE
2 1987;

3 (V) AN INDIVIDUAL WHO HAS LIVER DISEASE OR WHO HAS
4 HAD ABNORMAL LIVER TEST RESULTS;

5 (VI) A HEMODIALYSIS PATIENT;

6 (VII) A HEALTH CARE WORKER WHO MAY BE EXPOSED TO
7 NEEDLE STICKS; AND

8 (VIII) AN INDIVIDUAL WHO IS INFECTED WITH HIV.

9 (B) (1) (I) A HOSPITAL SHALL OFFER A QUALIFYING INDIVIDUAL
10 WHO RECEIVES HEALTH SERVICES IN THE HOSPITAL A HEPATITIS C SCREENING
11 TEST OR A HEPATITIS C DIAGNOSTIC TEST.

12 (II) A HEALTH CARE PRACTITIONER WHO PROVIDES
13 PRIMARY CARE TO A QUALIFYING INDIVIDUAL IN A HEALTH CARE FACILITY
14 SHALL OFFER THE QUALIFYING INDIVIDUAL A HEPATITIS C SCREENING TEST
15 OR A HEPATITIS C DIAGNOSTIC TEST.

16 (2) A HOSPITAL OR HEALTH CARE PRACTITIONER IS NOT
17 REQUIRED TO OFFER A QUALIFYING INDIVIDUAL A HEPATITIS C SCREENING
18 TEST OR A HEPATITIS C DIAGNOSTIC TEST UNDER THIS SUBSECTION IF THE
19 HOSPITAL OR HEALTH CARE PRACTITIONER REASONABLY BELIEVES THAT THE
20 QUALIFYING INDIVIDUAL:

21 (I) IS BEING TREATED FOR A LIFE-THREATENING
22 EMERGENCY;

23 (II) HAS PREVIOUSLY BEEN OFFERED OR HAS BEEN THE
24 SUBJECT OF A HEPATITIS C SCREENING TEST; OR

25 (III) LACKS CAPACITY TO CONSENT TO A HEPATITIS C
26 SCREENING TEST.

27 (C) (1) IF A QUALIFYING INDIVIDUAL ACCEPTS AN OFFER OF A
28 HEPATITIS C SCREENING TEST UNDER SUBSECTION (B)(1) OF THIS SECTION
29 AND THE SCREENING TEST IS POSITIVE, THE HOSPITAL OR HEALTH CARE
30 PRACTITIONER SHALL:

1 **(I) OFFER THE QUALIFYING INDIVIDUAL FOLLOW-UP**
2 **HEALTH CARE; OR**

3 **(II) REFER THE QUALIFYING INDIVIDUAL TO A HEALTH**
4 **CARE PRACTITIONER WHO CAN PROVIDE FOLLOW-UP HEALTH CARE.**

5 **(2) THE FOLLOW-UP HEALTH CARE UNDER PARAGRAPH (1) OF**
6 **THIS SUBSECTION SHALL INCLUDE A HEPATITIS C DIAGNOSTIC TEST.**

7 **(D) THE OFFER OF HEPATITIS C TESTING UNDER SUBSECTION (B)(1)**
8 **OF THIS SECTION SHALL BE CULTURALLY AND LINGUISTICALLY APPROPRIATE.**

9 **(E) (1) THE DEPARTMENT SHALL COLLECT AND ANALYZE**
10 **INFORMATION ON POSITIVE HEPATITIS C SCREENINGS AND THE NUMBER OF**
11 **INDIVIDUALS WHO HAVE ACCESSED CARE FOLLOWING A POSITIVE RESULT.**

12 **(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE**
13 **DEPARTMENT SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE**
14 **HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN**
15 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**
16 **INFORMATION COLLECTED AND ANALYZED UNDER PARAGRAPH (1) OF THIS**
17 **SUBSECTION.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2014.**