S-0460.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5629**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Conway, Dhingra, Hasegawa, Nobles, and C. Wilson

AN ACT Relating to hepatitis B and hepatitis C screening and health care services; and adding a new section to chapter 18.130 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 18.130 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, primary care providers shall offer a hepatitis B screening test and a hepatitis C screening test to any patient receiving patient care services, to the extent these services are covered under the patient's health insurance, based on the latest screening indications recommended by the United States preventive services task force.

(2) A hepatitis B screening test and a hepatitis C screening test are not required to be offered by the primary care provider if the primary care provider reasonably believes that:

(a) The patient is being treated for a life-threatening emergency;

(b) The patient has previously been offered or has been the subject of a hepatitis B screening test or hepatitis C screening test, unless the primary care provider determines that one or both of the screening tests should be offered again;

(c) The patient lacks capacity to consent to a hepatitis B screening test or hepatitis C screening test, or both; or

(d) The patient is receiving emergency medical service or designated trauma care service as defined in RCW 70.168.015.

(3)(a) If the patient accepts the offer of the hepatitis B screening test and the test is hepatitis B surface antigen (HBsAg) positive, the primary care provider shall offer the patient follow-up health care or refer the patient to another primary care provider who can provide follow-up health care.

(b) If a patient accepts the offer of the hepatitis C screening test and the test is positive, the primary care provider shall offer the patient follow-up health care or refer the patient to another primary care provider who can provide follow-up health care. The follow-up health care shall include a hepatitis C diagnostic test (HCV RNA).

(4) The offering of a hepatitis B screening test and hepatitis C screening test under this section must be culturally and linguistically appropriate.

(5) This section does not affect the scope of practice of any primary care provider or diminish any authority or legal or professional obligation of any primary care provider to offer a hepatitis B screening test, hepatitis C screening test, or both, or a hepatitis C diagnostic test, or to provide services or care for the patient of a hepatitis B screening test, hepatitis C screening test, or both, or a hepatitis C diagnostic test.

(6) A primary care provider that fails to comply with the requirements of this section shall not be subject to any disciplinary actions related to their licensure or certification, or to any civil or criminal liability, because of the primary care provider's failure to comply with the requirements of this section.

(7) The department may adopt rules necessary to implement this section and any additional rules involving the offering of screening tests and treatment requirements for hepatitis B and C and the training for primary care providers.

(8) For purposes of this section, the following definitions apply:

(a) "Follow-up health care" includes providing medical management and antiviral treatment for chronic hepatitis B or hepatitis C according to the latest national clinical practice guidelines recommended by the American association for the study of liver diseases.

(b) "Hepatitis B screening test" includes any laboratory tests or tests that detect the presence of hepatitis B surface antigen (HBsAg) and provides confirmation of whether the patient has a chronic hepatitis B infection.

(c) "Hepatitis C diagnostic test" includes any laboratory test or tests that detect the presence of the hepatitis C virus in the blood and provides confirmation of whether the patient has an active hepatitis C virus infection.

(d) "Hepatitis C screening test" includes any laboratory screening test or tests that detect the presence of hepatitis C virus antibodies in the blood and provides confirmation of whether the patient has ever been infected with the hepatitis C virus.

(e) "Primary care providers" includes general practice physicians, family practitioners, internists, pediatricians, osteopathic physicians, naturopaths, physician assistants, and advanced registered nurse practitioners licensed under this title.

**--- END ---**