SYNOPSIS
Requires hospitals and health care professionals to offer hepatitis C testing to certain individuals; authorizes certain laboratories to perform rapid hepatitis C testing.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning hepatitis C testing and supplementing Title 26
and Title 45 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. As used in this section:

“Hepatitis C diagnostic test” means a laboratory test that detects
the presence of hepatitis C virus in the blood and provides
confirmation of whether the individual tested has a hepatitis C
infection.

“Hepatitis C screening test” means a U.S. Food and Drug
Administration-approved test, including a rapid point-of-care test, that
detects the presence of hepatitis C virus antibodies in the blood.

b. A general hospital licensed pursuant to P.L.1971, c.136
(C.26:2H-1 et seq.), or a health care professional licensed pursuant to
Title 45 or 52 of the Revised Statutes, shall, when providing a health
care service to an individual who was born between 1945 and 1965,
and except as provided in subsection c. of this section, offer a hepatitis
C screening test to that individual, unless the health care professional
with primary responsibility for the treatment and care of the individual
reasonably believes that the individual:

(1) is being treated for a life threatening emergency;

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

(3) lacks capacity to provide general consent to medical care.

c. Notwithstanding the provisions of subsection b. of this section
to the contrary, a nursing home or other long-term care facility
licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), or a health
care professional licensed pursuant to Title 45 or 52 of the Revised
Statutes who is employed by a nursing home or other long-term care
facility, shall, when providing a health care service to an individual
who was born between 1945 and 1965, offer to arrange a hepatitis C
screening test for that individual, either by setting up a screening test
appointment with an appropriate health care professional or general
hospital, or by arranging for a mobile laboratory or other laboratory
site to provide the screening test, except in those cases where the
health care professional with primary responsibility for the treatment
and care of the individual reasonably believes that the individual
satisfies one of the conditions identified in paragraphs (1) through (3)
of subsection b. of this section.

d. (1) If an individual accepts an offer for a hepatitis C screening
test, as provided by subsection b. of this section, and the screening test
is positive, the hospital or health care professional shall either offer the
individual follow-up care or refer the individual to a health care
provider who can provide follow-up care.
(2) If an individual accepts an offer for the arrangement of a hepatitis C screening test, as provided by subsection c. of this section, and the screening test is positive, the person or entity providing the screening test pursuant to the arrangement shall either offer the individual follow-up care or refer the individual to a health care provider who can provide follow-up care.

(3) The follow-up care that is provided pursuant to this subsection shall include a hepatitis C diagnostic test.

e. (1) The offer that is made pursuant to this section shall be culturally and linguistically appropriate in accordance with regulations promulgated by the Commissioner of Health.

(2) The general informed consent to medical care, which has been provided by a person who is offered a hepatitis C diagnostic or screening test pursuant to this section, shall constitute sufficient consent for such test. No additional or separate consents, or any related documentation, shall be required.

f. This section shall not affect the scope of practice of any health care professional or diminish any authority or legal or professional obligation of any health care professional to offer a hepatitis C screening or diagnostic test, or to provide services or health care for the individual who is subject to a hepatitis C screening or diagnostic test.

g. The Commissioner of Health shall evaluate the impact of the provisions of this section with respect to the number of individuals who are screened for hepatitis C and the number of individuals who have accessed care following a positive test. No later than one year after the date of enactment, the Commissioner of Health shall submit a report of the evaluation to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

2. The Commissioner of Health, in consultation with the Public Health Council in the Department of Health, shall adopt regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to permit any laboratory site that has a current Clinical Laboratory Improvement Amendments Certificate of Waiver issued by the federal Centers for Medicare & Medicaid Services to perform rapid point-of-care tests for hepatitis C virus licensed by the federal Food and Drug Administration.

3. The Commissioner of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the purposes of this act.

4. This act shall take effect on the first day of January next following the date of enactment, except that the Commissioner of Health may take such anticipatory administrative action in advance of
the effective date as shall be necessary for the implementation of this
act. Section 1 of this act shall expire and be deemed repealed on
January 1 of the fifth year next following the date of enactment.

STATEMENT

This bill requires hospitals and health care professionals who are
not employed by nursing homes or other long-term care facilities to
offer hepatitis C testing to individuals born between 1945 and 1965,
and it requires nursing homes and other long-term care facilities, as
well as the health care professionals employed thereby, to offer to
arrange for the provision of hepatitis C testing to individuals born
between 1945 and 1965, either by setting up a screening test
appointment with an appropriate health care professional or general
hospital, or by arranging for a mobile laboratory or other laboratory
site to provide the screening test.

Pursuant to the bill’s provisions, when providing health care
services to an individual born between 1945 and 1965, a hospital or a
health care professional (not employed by a nursing home) would be
required to offer a hepatitis C screening test to the individual, and a
nursing home or other long-term care facility, or a health care
professional employed thereby, would be required to offer to arrange
for the provision of a hepatitis C screening test to the individual,
unless the health care professional who has primary responsibility for
the treatment and care of the individual reasonably believes that the
individual: (1) is being treated for a life threatening emergency; (2)
has previously been offered or has been the subject of a hepatitis C
screening test; or (3) lacks capacity to consent to a hepatitis C
screening test.

If an individual accepts an offer under the bill, and the results of
the hepatitis C screening test are positive, the person or entity
performing the test would be required to provide appropriate follow-up
care, including a confirmation test, or refer the patient to a health care
professional to provide follow-up care.

The bill requires an offer that is made under its provisions to be
culturally and linguistically appropriate, in accordance with
regulations promulgated by the Commissioner of Health.

The bill further specifies that the general informed consent to
medical care, which has been provided by a person who is offered a
hepatitis C diagnostic or screening test under the bill’s provisions, will
constitute sufficient consent for such test, and no additional or separate
consents, or any related documentation, will be required.

The bill authorizes the commissioner, in consultation with the
Public Health Council in the Department of Health, to adopt
regulations permitting any laboratory site, which has a current Clinical
Laboratory Improvement Amendments Certificate of Waiver from the
The bill requires the Commissioner of Health to evaluate the impact of the bill with respect to the number of individuals who are screened for hepatitis C and the number of individuals who have accessed care following a positive test, and to report to the Governor and the Legislature no later than one year after the date of enactment. The bill would take effect on the first of January next following the date of enactment, and section 1 of the bill would expire on January 1 of the fifth year next following the date of enactment.