
SENATE BILL 5629

State of Washington

68th Legislature

2023 Regular Session

By Senators Conway, Dhingra, and Hasegawa

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

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130
5 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (a) "Follow-up health care" includes providing medical management
38 and antiviral treatment for chronic hepatitis B or hepatitis C
39 according to the latest national clinical practice guidelines

1 recommended by the American association for the study of liver
2 diseases.

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

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

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

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

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