

SENATE BILL REPORT

SB 5629

As Passed Senate, March 7, 2023

Title: An act relating to hepatitis B and hepatitis C screening and health care services.

Brief Description: Concerning hepatitis B and hepatitis C screening and health care services.

Sponsors: Senators Conway, Dhingra, Hasegawa, Nobles and Wilson, C..

Brief History:

Committee Activity: Health & Long Term Care: 2/07/23, 2/14/23 [DP, w/oRec].

Floor Activity: Passed Senate: 3/7/23, 48-0.

Brief Summary of Bill

- Requires primary care providers to offer hepatitis B and C screening tests according to the latest recommendations from the United States Preventive Services Task Force.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Padden and Van De Wege.

Minority Report: That it be referred without recommendation.

Signed by Senator Rivers, Ranking Member.

Staff: Andie Parnell (786-7439)

Background: United States Preventive Services Task Force. Under the Affordable Care Act, health benefit plans must provide, at a minimum, coverage with no cost sharing, for preventive or wellness services that have a rating of A or B in the current recommendations of the United States Preventive Services Task Force (USPSTF). The USPSTF provides a

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grade B recommendation for hepatitis B (HBV) and hepatitis C preventive services.

Hepatitis B. HBV is transmitted by contact with contaminated blood, blood products, and other blood fluids. The USPSTF recommends screening adolescents and adults at increased risk using HBV surface antigen tests followed by a confirmatory test for initially reactive results. Persons at increased risk include:

- persons born in countries and regions with a high prevalence of HBV infection, such as Asia, Africa, the Pacific Islands, and parts of South America;
- United States born persons not vaccinated as infants whose parents were born in regions with a very high prevalence of HBV infection;
- HIV-positive persons;
- persons with injection drug use;
- men who have sex with men; and
- household contacts or sexual partners of persons with HBV infection.

The USPSTF also recommends periodically screening persons with continued risk for HBV including, but not limited to, persons with current injection drug use and men who have sex with men.

Hepatitis C. Hepatitis C is a liver infection caused by the hepatitis C virus, spread through contact with blood from an infected person. The USPSTF recommends a one-time screening for hepatitis C virus infection in adults aged 18 to 79 years. The USPSTF also recommends periodically screening persons with continued risk for hepatitis C infection, including persons with past or current injection drug use.

American Association for the Study of Liver Diseases. The American Association for the Study of Liver Diseases (AASLD) develops national clinical practice guidelines to share recommended approaches to diagnostic, therapeutic, and preventive aspects of care.

Summary of Bill: A HBV screening test includes any laboratory test or tests that detect the presence of HBV surface antigen and provides confirmation of whether the patient has a chronic HBV infection.

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

A 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.

Primary care providers include general practice physicians, family practitioners, internists, pediatricians, osteopathic physicians, naturopaths, physician assistants, and advanced registered nurse practitioners licensed by the Department of Health.

Primary care providers must offer a HBV screening test and a hepatitis C screening test to any patient receiving patient care services. Both screening tests should be offered to the extent these services are covered under the patient's health insurance, based on the latest screening indication recommended by the USPSTF. The offering of a HBV screening test and hepatitis C screening test must be culturally and linguistically appropriate.

A HBV 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 the patient:

- is being treated for a life-threatening emergency;
- has previously been offered or has been the subject of a HBV 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;
- lacks capacity to consent to a HBV screening test or hepatitis C screening test, or both; or
- is receiving emergency medical service or designated trauma care service.

If a patient accepts the offer of the HBV or hepatitis C screening test and the test is positive, the primary care provider must offer the patient follow-up health care or refer the patient to another primary care provider who can provide follow-up health care. Follow-up health care includes providing medical management and antiviral treatment for chronic HBV or hepatitis C according to the latest national clinical practice guidelines recommended by the AASLD. The follow-up health care for hepatitis C must also include a hepatitis C diagnostic test.

These requirements do not affect the scope of practice or diminish any authority or legal or professional obligation of any primary care provider to offer HBV or hepatitis C screening tests, diagnostic tests, services, or care. A primary care provider that fails to offer a HBV or hepatitis C screening test is not subject to any disciplinary actions related to their licensure or certification, or to any civil or criminal liability.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill helps people access important health care services and protects the health of our communities. HBV and hepatitis C patients often do not show symptoms until the diseases lead to chronic illness or early death. Screening tests are needed for early detection and adequate treatment. This bill offers an opportunity to move health care forward and reduce future treatment costs. The only

problem to this bill is that it ignores the incarcerated population that have higher rates of HBV and hepatitis C and need adequate access to screening tests.

OTHER: There are concerns with the broad mandate application in this bill. There are other resources in place that would be more helpful to promote screening and treatments, rather than a broad mandate.

Persons Testifying: PRO: Senator Steve Conway, Prime Sponsor; Marc Stern; Michaela Jackson, Hepatitis B Foundation; Dr. Anthony Chen, Tacoma Pierce County Health Department; Juliana Wong, King County Asian Pacific Islander Coalition; Nadine Shiroma.

OTHER: Sean Graham, WA State Medical Association (WSMA).

Persons Signed In To Testify But Not Testifying: No one.