

# SENATE BILL REPORT

## ESB 5629

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As Passed Senate, February 13, 2024

**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; 2/13/24, 49-0.

**Brief Summary of Engrossed Bill**

- Requires a Hepatitis B and Hepatitis C screening test be offered based on the latest federal screening recommendations to an adult patient who receives primary care services from a health care clinic where primary care services are provided during an annual physical examination or wellness visit.

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### 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:** Julie Tran (786-7283)

**Background:** United States Preventive Services Task Force. The United States Preventive Services Task Force (USPSTF) is an independent, volunteer panel of national experts in

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disease prevention and evidence-based medicine. USPSTF makes evidence-based recommendations about preventive services such as screenings, behavioral counseling, and preventive medications. Under the Affordable Care Act, most private insurance plans are required to cover preventive services that receive a grade of A or B from the Task Force without a copay.

Hepatitis B. Hepatitis B is a vaccine-preventable liver infection caused by the hepatitis B virus (HBV). Hepatitis B is spread when blood or other body fluids from a person infected with the virus enters the body of someone who is not infected. USPSTF has provided HBV a grade of B.

USPSTF recommends screening for HBV in adolescents and adults at increased risk for infection. Persons who are at increased risk include: persons born in countries and regions with a high prevalence of HBV infection; persons born in the United States who were 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 an HBV infection. USPSTF further recommends that persons with continued risk for HBV infection be screened periodically.

Hepatitis C. Hepatitis C is a liver infection caused by the hepatitis C virus (HCV). Hepatitis C is spread through contact with blood from an infected person. USPSTF recommends a one-time screening for HCV in all adults aged 18 to 79 years of age. USPSTF also suggests clinicians consider screening persons younger than 18 years and older than 79 years who are at high risk for infection. USPSTF further recommends that persons with continued risk for HCV infection be screened periodically. USPSTF has provided HCV a grade of B.

**Summary of Engrossed Bill:** Offering a Hepatitis B Virus and Hepatitis C Virus Screening Test. A HBV screening test and HCV screening test must be offered to an adult patient who receives primary care services from a health care clinic where primary care services are provided during an annual physical examination or wellness visit. The screening test should be offered according to the latest USPSTF screening test recommendations and the offer of testing must be culturally and linguistically appropriate.

A health care clinic where primary care services are provided may comply with the screening test requirement by:

- offering patients that meet the recommended screening indications a HBV screening test and HCV screening test during an annual physical examination or wellness visit;
- incorporating a prompt for HBV screening tests and HCV screening tests for the recommended populations into the health care clinic's electronic health record system; or
- sending routine mailers or electronic communications to the health care clinic's primary care patients that meet the recommended screening indications informing patients of the availability and importance of HBV screening tests and HCV

screening tests screening tests.

"Health care clinic where primary care services are provided" means an unlicensed health care clinic and any other health care setting where primary care services are provided.

A HBV screening test and HCV screening test are not required to be offered by the health care clinic if:

- the patient is being treated for a life-threatening emergency;
- the patient has previously been offered or has been the subject of a HBV screening test or HCV screening test, unless a health care provider within the health care clinic determines that one or both of the screening tests should be offered again; or
- the patient lacks capacity to consent to a HBV screening test and HCV screening test, or both.

If the patient accepts the offer of a screening test and the result of the test is positive, the health care provider must offer follow-up care or refer the patient to another health care provider who can provide follow-up care. For HCV, follow-up care must include an HCV diagnostic test.

The requirement does not affect a health care provider's scope of practice or diminish any authority, legal, or professional obligation. Failure to comply with the requirement does not subject a health care provider or health care clinic where primary care services are provided to any disciplinary actions related to licensure or certification or to any civil or criminal liability.

The Department of Health (DOH) may adopt rules involving the offering of screening tests, treatment requirements for HBV and HCV, and the training of health care clinics and health care providers.

Awareness Campaign. DOH must design a HBV and HCV awareness campaign for the public and primary care providers by September 1, 2025. The awareness campaign must focus on increasing awareness of the prevalence of HBV and HCV, the potential treatments and cures for HBV and HCV, and aim to reduce the stigmas surrounding HBV and HCV.

Training. Viral hepatitis screening and treatment is added to the list of possible course topics to the required health equity continuing education training for licensed health care professionals.

**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.