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AB-789 Health care services. (2021-2022)

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Assembly Bill No. 789

CHAPTER 470

An act to add Section 1316.7 to the Health and Safety Code, relating to health care services.

[Approved by Governor October 04, 2021. Filed with Secretary of State October 04, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 789, Low. Health care services.

Existing law provides for the licensure and regulation of health facilities and clinics, including primary care clinics, by the State Department of Public Health. A violation of these provisions is a crime.

This bill would require an adult patient receiving primary care services in a facility, clinic, unlicensed clinic, center, office, or other setting, as specified, to be offered a screening test for hepatitis B and hepatitis C 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, unless the health care provider reasonably believes certain conditions apply that include, among others, the patient lacks the capacity to consent to the screening test. The bill would also require the health care provider to offer the patient followup health care or refer the patient to a health care provider who can provide followup health care if the screening test is positive, as specified. The bill would prohibit a health care provider who fails to comply with these provisions from being subject to any disciplinary action related to their licensure or certification, or to any civil or criminal liability for that failure.

By expanding the scope of a crime applicable to the health care settings described above, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1316.7 is added to the Health and Safety Code, to read:

1316.7. (a) An adult patient who receives primary care services in a facility, clinic, unlicensed clinic, center, office, or other setting where primary care services are provided, shall be offered a hepatitis B screening test and a hepatitis C screening test, 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, unless the health care provider reasonably believes that one of the following conditions applies:

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

(2) (A) The patient has previously been offered or has been the subject of a hepatitis B screening test or hepatitis C screening test.

(B) This paragraph does not apply if the health care provider determines that one or both of the screening tests should be offered again.

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

(4) The patient is being treated in the emergency department of a general acute care hospital, as defined in subdivision (a) of Section 1250.

(b) (1) If a patient accepts the offer of the hepatitis B screening test and the test is hepatitis B surface antigen (HBsAg) positive, a health care provider shall offer the patient followup health care or refer the patient to a health care provider who can provide followup health care.

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

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

(d) This section shall not affect the scope of practice of any health care provider or diminish any authority or legal or professional obligation of any health 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.

(e) A health 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 health care provider's failure to comply with the requirements of this section.

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

(1) "Followup 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.

(2) "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.

(3) "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.

(4) "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.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.