

DATE

Dear Colleague:

On October 23, 2013, Governor Andrew M. Cuomo signed into law a new Section 2171 of the Public Health Law that requires the offering of a hepatitis C screening test to every individual born between 1945 and 1965 receiving inpatient hospital care or primary care.

In the U.S, an estimated 2.7 million to 3.9 million people are living with hepatitis C virus (HCV) infection. It is estimated that up to 75% of persons living with HCV do not know their status. Centers for Disease Control and Prevention (CDC) estimates individuals born during 1945 to 1965 account for approximately three-fourths of all HCV infections in the U.S. and 73% of HCV-associated mortality, and they are at greatest risk for liver cancer and other HCV-related liver disease. With the advent of new therapies that can stop disease progression and provide a cure in most persons, targeted testing and linkage to care for infected persons in this birth cohort are expected to reduce HCV-related morbidity and mortality.

Statewide, an estimated 200,000 New Yorkers are living with HCV infection. Based on estimates of those who are infected not knowing their HCV status, up to 150,000 are unaware of their HCV status. The new law was enacted to increase HCV testing and ensure timely diagnosis and linkage to care.

The New York State Hepatitis C Testing Law is in line with recommendations issued by the CDC and the US Preventive Services Task Force. The new law requires:

- A HCV screening test be offered to every individual born between 1945 and 1965 receiving health services as an inpatient of a hospital or receiving primary care services in the outpatient department of a hospital or in a freestanding diagnostic and treatment center or from a physician, physician assistant, or nurse practitioner providing primary care unless the health care practitioner providing such services reasonably believes that:
 - The individual is being treated for a life-threatening emergency; or
 - The individual has previously been offered or has been the subject of a hepatitis C screening test (except that a test shall be offered if otherwise indicated); or
 - The individual lacks capacity to consent to a hepatitis C screening test.
- The law further requires that if an individual accepts the test offer and the screening test is reactive, the health care provider must either offer the individual follow-up health care or referral to a health care provider who can provide such care, including a hepatitis C diagnostic test.
- The offer of testing must be culturally and linguistically appropriate in accordance with rules and regulations promulgated by the Commissioner of Health.

Feedback from stakeholders will inform the development of regulations to implement this change in NYS law. For additional information, please visit the New York State Department of Health website (www.nyhealth.gov) or the New York City Health Department website (www.nyc.gov/health). Questions regarding the HCV testing law may be sent to hepatabc@health.state.ny.us.

Along with new, more effective HCV treatments, this new State law provides us an opportunity to increase the number of persons aware of their HCV status, link them to appropriate medical care and treatment, and provide them a possible cure for HCV.

Thank you for your dedication and contribution to keeping New Yorkers healthy.

Sincerely,

Nirav R. Shah, M.D., M.P.H.
Commissioner of Health