

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 684

An Act to amend and reenact § 8.01-581.18 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-581.18:1, relating to immunity of physicians for laboratory results and examinations.

[H 1110]

Approved April 5, 2006

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-581.18 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-581.18:1 as follows:

§ 8.01-581.18. Delivery of results of laboratory tests and other examinations not authorized by physician.

A. Whenever a laboratory test or other examination of the physical or mental condition of any person is conducted by or under the supervision of a person other than a physician and not at the request or with the ~~written~~ authorization of a physician, any report of the results of such test or examination shall be provided by the person conducting such test or examination to the person who was the subject of such test or examination. Such report shall state in bold type that it is the responsibility of the ~~recipient person so examined or tested~~ to arrange with his physician for consultation and interpretation of the results of such test or examination. The provisions of this subsection shall not apply to any test or examination conducted under the auspices of the State Department of Health.

B. ~~Any physician shall be immune from civil liability for any failure to review, or to take any action in response to the receipt of, any report of the results of any laboratory test or other examination of the physical or mental condition of any person, which test or examination such physician neither requested nor authorized in writing, unless such report is provided directly to the physician by the person so examined or tested with a request for consultation or by the State Department of Health.~~

~~C. As used in this section, "physician" means a person licensed to practice medicine, chiropractic or osteopathy in this Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.~~

§ 8.01-581.18:1. Immunity of physicians for laboratory results and examinations.

A. *No physician shall be liable for the failure to review or act on the results of laboratory tests or examinations of the physical or mental condition of any patient, which tests or examinations the physician neither requested nor authorized, unless (i) the report of such results is provided directly to the physician by the patient so examined or tested with a request for consultation; (ii) the physician assumes responsibility to review or act on the results; or (iii) the physician has reason to know that in order to manage the specific mental or physical condition of the patient, review of or action on the pending results is needed. However, no physician shall be immune under this section unless the physician establishes that (a) no physician-patient relationship existed when the results were received or accessed; or (b) the physician received or accessed the results without a request for consultation and without responsibility for management of the specific mental or physical condition of the patient relating to the results or (c) the physician consulted on a specific mental or physical condition, the results were not part of that physician's management of the patient and the physician had no reason to know that he was to inform the patient of the results or refer the patient to another physician; or (d) the physician received or accessed results, the interpretation of which would exceed the physician's scope of practice and the physician had no reason to know that he was to inform the patient of the results or refer the patient to another physician.*

B. *As used in this section, "physician" means a person licensed to practice medicine, chiropractic, or osteopathy in the Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et. seq.) of Title 54.1.*