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HOUSE BILL NO. 2416

Offered January 10, 2007

Prefiled January 9, 2007

A *BILL to amend and reenact § 8.01-581.18:1 of the Code of Virginia, relating to exceptions to physician immunity; nurse practitioner or physician assistant orders tests.*

Patron—Athey

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-581.18:1 of the Code of Virginia is amended and reenacted as follows:

§ 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; or (iv) *such laboratory tests or examinations are ordered by a nurse practitioner or physician assistant with whom the physician, or a physician within the practice, has a written protocol and such laboratory tests or examination results are provided solely to the physician, or a physician within the practice, and such physician fails to provide the laboratory test or examination results to the nurse practitioner or physician assistant.* 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.

C. *For purposes of this section, nurse practitioners and physician assistants licenced pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 be entitled to the same immunities as physicians are entitled to under this section.*

INTRODUCED

HB2416