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HOUSE BILL NO. 1468

Offered January 15, 2008

A BILL to amend and reenact § 54.1-2409.4 of the Code of Virginia, relating to authority to receive laboratory results directly.

Patron—Athey

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2409.4 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2409.4. Authority to receive laboratory results directly.

A. Any health care practitioner licensed under this title who, within the scope of his practice, orders a laboratory test or other examination of the physical condition of any person shall, if so requested by the patient or his legal guardian, provide a copy of the report of the results to the patient or his legal guardian, unless, in the professional opinion of the health care practitioner, there is a medical reason not to do so.

B. ~~The health care practitioner, at his sole discretion, may authorize the laboratory to~~laboratory, upon the request of the patient or his legal guardian, shall provide a copy of the report of the results directly to the patient or his legal guardian. The patient or his legal guardian shall then be considered authorized to receive the report or result for the purposes of the federal Clinical Laboratory Improvement Amendments. *However, copies of a laboratory record shall not be provided to such patient when the patient's treating physician or clinical psychologist, in the exercise of professional judgment, has delivered to the laboratory a written statement that, in his opinion, the furnishing to or review by the patient of such records would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such laboratory records make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such records shall be furnished within 15 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.*

C. *If the laboratory records are not provided to the patient in accordance with this section, if requested by the patient, the laboratory denying the patient's request to receive laboratory records directly shall comply with the patient's request to either (i) provide a copy of the records to a physician or clinical psychologist of the patient's choice whose licensure, training, and experience relative to the patient's condition are at least equivalent to that of the treating physician or clinical psychologist upon whose opinion the denial is based, and who shall, at the patient's expense, make a judgment as to whether to make the records available to the patient, or (ii) designate a physician or clinical psychologist whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician or clinical psychologist upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his records, who shall, at the expense of the provider denying the patient access to the records, review the records and make a judgment as to whether to make the records available to the patient. In either event, the laboratory denying the request shall comply with the judgment of the reviewing physician or clinical psychologist.*

INTRODUCED

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