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HOUSE BILL NO. 2329

Offered January 14, 2009

Prefiled January 14, 2009

A *BILL to amend and reenact § 8.01-581.18:1 of the Code of Virginia, relating to immunity of physicians and physician assistants for laboratory results and examinations.*

Patrons—Athey and Sherwood; Senator: Vogel

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 or physician assistant for laboratory results and examinations.

A. No physician *or physician assistant under supervision* 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 *or physician assistant* by the patient so examined or tested with a request for consultation; (ii) the physician *or physician assistant* 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 *or physician assistant* 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 *or physician assistant* 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 *or physician assistant* 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 *or physician assistant* received or accessed results, the interpretation of which would exceed the physician's *or physician assistant's* scope of practice and the physician *or physician assistant* 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, and "physician assistant" means a person licensed pursuant to Article 4 (§ 54.1-2949 et seq.) of Chapter 29 of Title 54.1.

INTRODUCED

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