

Senate Bill 781

Sponsored by Senator ANDERSON (at the request of Samaritan Health)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions relating to providing results of tests to patients.

A BILL FOR AN ACT

Relating to clinical laboratories; amending ORS 438.430.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 438.430 is amended to read:

438.430. (1) Except as otherwise provided in ORS 438.010 to 438.510, a clinical laboratory shall examine specimens only at the request of a physician, dentist, or other person authorized by law to use the findings of laboratory examinations.

(2) A person may not report the result of any test, examination, or analysis of a specimen submitted for evidence of human disease except to:

(a) The patient **or the patient's authorized representative**; and

(b) A physician, dentist, their agents, or other person authorized by law to employ the results [thereof] in the conduct of a practice or in the fulfillment of official duties.

[(3) A clinical laboratory shall provide the results of a test, examination or analysis of a specimen submitted by a patient in writing to the patient:]

[(a) Not sooner than seven days after receiving a request for the results from the patient; or]

[(b) Immediately upon receiving authorization from the doctor, dentist or other person who requested the test, examination or analysis to provide the results to the patient.]

(3) Unless the physician, dentist or other person requesting the laboratory test, examination or analysis under subsection (1) of this section notifies the clinical laboratory that an exception applies to the prohibition on information blocking under 42 U.S.C. 300jj-52, a clinical laboratory shall provide the results of a test, examination or analysis of a specimen to a patient or the patient's authorized representative:

(a) Without unreasonable delay and in no case later than three business days after receipt of a request for the results by the patient or the patient's authorized representative; or

(b) Immediately, to the extent the clinical laboratory uses certified health information technology that enables electronic access to results via a patient portal or related technology.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.