

House Bill 2496

Sponsored by Representative NOSSE (Presession filed.)

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**.

Allows clinical laboratory to wait five days before releasing results of certain tests, examinations and analyses of patient specimens to patient.

A BILL FOR AN ACT

1
2 Relating to laboratory results; amending ORS 438.430.

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

4 **SECTION 1.** ORS 438.430 is amended to read:

5 438.430. (1) Except as otherwise provided in ORS 438.010 to 438.510, a clinical laboratory shall
6 examine specimens only at the request of a physician, dentist, or other person authorized by law to
7 use the findings of laboratory examinations.

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

10 (a) The patient or the patient's authorized representative, unless the physician, dentist or other
11 person requesting the laboratory test, examination or analysis under subsection (1) of this section
12 notifies the clinical laboratory of a reasonable belief that an exception applies to the prohibition on
13 information blocking under 42 U.S.C. 300jj-52; and

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

16 (3) Except as provided in subsection (2) of this section, a clinical laboratory or the designee of
17 the laboratory[, *after verifying the identity of the requester and after determining the results are ready*
18 *for release, shall without unreasonable delay*] **shall** provide the results of a test, examination or
19 analysis of a specimen submitted by a patient in writing to the patient or the patient's authorized
20 representative[.]:

21 (a) **No later than five days after the results are ready and the laboratory has verified the**
22 **identity of the requester, for the following tests, examinations and analyses:**

23 (A) **Pathology tests of biopsy samples, pap smear cytology samples, dermatopathology**
24 **samples and bone marrow samples.**

25 (B) **Radiology imaging tests with interpretations that are concerning for malignancy or**
26 **metastatic disease or that require clinical correlation.**

27 (C) **Positive HIV tests.**

28 (D) **Positive hepatitis antigen tests.**

29 (b) **Without unreasonable delay after the results are ready and the laboratory has veri-**
30 **fied the identity of the requester, for all tests, examinations and analyses not listed in par-**
31 **agraph (a) of this subsection.**

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.

