

Enrolled
Senate Bill 781

Sponsored by Senator ANDERSON; Senators GELSER, GIROD (at the request of Samaritan Health)

CHAPTER

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, unless the physician, dentist or other person requesting the laboratory test, examination or analysis under subsection (1) of this section notifies the clinical laboratory of a reasonable belief that an exception applies to the prohibition on information blocking under 42 U.S.C. 300jj-52;** 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) Except as provided in subsection (2) of this section, a clinical laboratory or the designee of the laboratory, after verifying the identity of the requester and after determining the results are ready for release, shall without unreasonable delay provide the results of a test, examination or analysis of a specimen submitted by a patient in writing to the patient or the patient's authorized representative.

Passed by Senate April 22, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 1, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State