

## **ORDERING AND REPORTING MEDICAL AND NON-MEDICAL LABORATORY TESTS**

### **OREGON REVISED STATUTE (ORS):**

**ORS 438.430** Specimens taken from and reports made only to persons authorized to use results. (1) Except as otherwise provided in this chapter, a clinical laboratory shall examine specimens only at the request of a physician, dentist, their agents, or other person authorized by law to use the findings of laboratory examinations.

**ORS 438.010(3)** “Clinician” means a nurse practitioner licensed and certified by the Oregon State Board of Nursing, or a physician assistant licensed by the Oregon Medical Board.

**ORS 438.010(16)** “Physician” means a person licensed to practice medicine by the Oregon Medical Board.

### **LEGISLATIVE INTENT:**

All laboratory orders must be in writing or submitted electronically. Standard requisition forms or prescription pads may be used. The submitter must provide the name and title of the individual ordering the test and address where the report is to be mailed. "Their agents" refers to practitioner's staff. Electronic requests may only be submitted by authorized individuals.

The Oregon Legislature gave practitioner boards the authority to authorize their practitioners to order and receive laboratory results within the scope of their practice. The following boards have indicated to Laboratory Compliance that their rules allow their licensed members to order and receive laboratory results:

***Physicians Examiners Board***

- Medical Doctor (MD)
- Doctor of Osteopathy (DO)
- Doctor of Podiatric Medicine (DPM)
- Physician Assistant (PA)

***Chiropractic Examiners Board***

- Doctor of Chiropractic Med (DC)

***Naturopathic Examiners Board***

- Naturopathic Doctor (ND)

***Licensing Boards***

- Direct Entry Midwife (DEM)

***Nursing Board***

- Certified Nurse Practitioner (NP)
- Certified Nurse Midwife (CNM)
- Certified Registered Nurse Anesthetist (CRNA)
- Clinical Nurse Specialist (CNS)

***Dentistry Board***

- Doctor of Dental Science (DDS)
- Doctor of Medical Dentistry (DMD)

***Board of Optometry***

- Optometric Physicians (OD)

**EXCEPTIONS:**

Note that ORS 438 allows specific tests to be performed without a practitioners order. Specifically this means substance of abuse testing (ORS 438.435) and tests authorized with a health screen testing (HST) permit or within a clinical laboratory having the specialty of HST on their clinical laboratory license (ORS 438.150). Tests authorized under HST currently include: blood hemoglobin, packed red cell volume (spun hematocrit), total cholesterol, blood glucose, blood in feces (stool occult blood), human chorionic gonadotropin (pregnancy test), high density lipoprotein cholesterol (HDL), Triglyceride after an individual fasts 12 to 16 hours, and LDL using the Friedenwald automatic calculation equation.

**TELEPHONE ORDERS:**

When a physician/clinician or their staff orders a laboratory test by telephone, the laboratory staff must indicate on the test requisition the order is a phone request. The laboratory must make reasonable attempts to obtain a follow-up written order from the ordering individual within 30 days of the phone request. The intention is to assure only authorized individuals order tests and such tests are medically necessary. It also protects the laboratory from inadvertently breaking the law.

**REPORTING MEDICAL LABORATORY TEST RESULTS**

**OREGON REVISED STATUTE (ORS):**

***ORS 438.430*** Specimens taken from and reports made only to persons authorized to use results. (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 the patient and 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) Not sooner than seven days after receiving a request from a patient for the results of any test, examination or analysis of a specimen submitted by the patient, a clinical laboratory shall provide the results in writing to the patient.

**LEGISLATIVE INTENT:**

Laboratory personnel may release results only to the individual ordering the test, their representative (office or hospital staff) other providers involved in the treatment of the patient, or for communicable disease purposes as authorized by law. Release of laboratory reports to the patient prior to the 7 day waiting period, requires written authorization from the ordering physician/clinician.

**ORDERING AND REPORTING**  
**NONMEDICAL SUBSTANCE OF ABUSE TESTS**

**OREGON REVISED STATUTE (ORS):**

***ORS 438.435 Testing for substance abuse***; source of specimens; when confirming test required; standards; standards for use of substances of abuse on-site screening tests; standards for screening certain criminal offenders; effect of use of out-of-state tests.

(2) In order to perform such tests, examinations or analyses, the laboratory may examine specimens submitted other than those described in ORS 438.430(1) and shall report the result of any test, examination or analysis to the person who submitted the specimen. When the substance of abuse test is performed for non-medical employment or pre-employment purposes, and a written request is provided, the test result shall be reported to the person from whom the specimen was originally obtained. (The last sentence was added by 1999 Legislature, House Bill 3603.)

**LEGISLATIVE INTENT:**

Employees or potential employees may obtain a copy of their employer- ordered drug tests by submitting a written request and proof of identity to the laboratory performing the initial screen and/or confirmatory test. The employee must sign a form for release of laboratory records.

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