

REFERENCE TITLE: laboratories; pharmacogenetic testing

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

## **SB 1366**

Introduced by  
Senators Barto: Kavanagh

AN ACT

AMENDING SECTION 36-468, ARIZONA REVISED STATUTES; RELATING TO CLINICAL LABORATORIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-468, Arizona Revised Statutes, is amended to  
3 read:

4 36-468. Laboratory testing without health care provider's  
5 order; results; report; duty of care; liability;  
6 definitions

7 A. A person may obtain any laboratory test from a licensed clinical  
8 laboratory on a direct access basis without a health care provider's request  
9 or written authorization if the laboratory offers that laboratory test to the  
10 public on a direct access basis without a health care provider's request or  
11 written authorization.

12 B. If a laboratory test of a person is conducted by or under the  
13 supervision of a person other than a health care provider and not at the  
14 request or with the written authorization of a health care provider, any  
15 report of the test results shall be provided by the person conducting the  
16 test to the person who was the subject of the test. The report shall state  
17 in bold type that it is the responsibility of the person who was tested to  
18 arrange with the person's health care provider for consultation and  
19 interpretation of the test results.

20 C. A health care provider's duty of care to a patient does not include  
21 any responsibility to review or act on the laboratory test results of a  
22 patient if the health care provider did not request or authorize the  
23 laboratory test. A health care provider is not subject to liability or  
24 disciplinary actions for the failure to review or act on the results of a  
25 laboratory test of any patient if the health care provider did not request or  
26 authorize the laboratory test.

27 D. A clinical laboratory may not submit a claim for reimbursement from  
28 a third-party payor for any laboratory test conducted without a health care  
29 provider's request or written authorization.

30 E. This section does not require that a laboratory test be covered by  
31 a health insurance plan or product pursuant to title 20 or by any program  
32 administered by the Arizona health care cost containment system  
33 administration pursuant to chapter 29 of this title.

34 F. For the purposes of this section: ~~;~~

35 1. "Health care provider" means a person who is licensed pursuant to  
36 title 32 and who is authorized to order laboratory testing.

37 2. "LABORATORY TEST" INCLUDES PHARMACOGENETIC TESTING.