

1 AN ACT relating to genetic and genetic-related medical testing.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 333.150 is amended to read as follows:

- 4 (1) A medical laboratory shall examine human specimens only at the request of a
5 licensed physician, podiatrist, dentist, or other person authorized by law to use the
6 findings of medical laboratory examinations, **except that a patient may request and**
7 **receive results of his or her genetic or genetic-related tests.** The results of a test
8 shall be reported to the licensed health care provider **or patient** who requested it.
- 9 (2) Medical laboratory results may be transmitted to:
- 10 (a) Any health care provider who is treating the patient;
- 11 (b) An electronic health information exchange or network for the purposes of
12 transmitting medical laboratory results to the ordering provider and to any
13 other provider for the purposes of treatment, payment, or operations if patient
14 consent has been obtained under the federal Health Insurance Portability and
15 Accountability Act of 1996, Pub. L. No. 104-191; ~~and~~
- 16 (c) An electronic health information exchange or network for the purpose of
17 meeting the requirements of the American Recovery and Reinvestment Act of
18 2009, Pub. L. No. 111-5, and its related federal regulations; **and**
- 19 **(d) A patient, if the results directly address his or her genetic information.**
- 20 (3) All transactions under subsection (2) of this section shall be in compliance with the
21 federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
22 104-191.
- 23 (4) Laboratory reports shall include the name of the director and the name and address
24 of the medical laboratory in which the test was actually performed. All specimens
25 accepted by a medical laboratory shall be tested on the premises except that
26 specimens for infrequently performed tests may be forwarded for examination to
27 another medical laboratory licensed under this chapter or to a medical laboratory

1 located outside this state if licensed or approved by the appropriate agency of the
2 state concerned.

3 ➔Section 2. KRS 333.160 is amended to read as follows:

4 Only a licensed physician, dentist or other person authorized by law shall manipulate a
5 patient for the collection of specimens, except that:

6 (1) Qualified personnel authorized by him ***or her*** may collect human blood or materials
7 for smears or cultures; ***and***

8 (2) ***Qualified medical laboratory personnel may collect a specimen from a patient for***
9 ***the purpose of performing a genetic or genetic-related test requested by the***
10 ***patient.***