

AMENDED IN SENATE JUNE 19, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1490**

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**Introduced by Assembly Member Thomson**

February 23, 2001

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An act to amend Section 123148 of the Health and Safety Code, relating to health records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1490, as amended, Thomson. Health records: delivery of laboratory test results by Internet posting.

Existing law provides that a health care professional who orders a laboratory test shall provide a patient, upon a written or oral request, those test results in plain language deemed most appropriate by the health care professional who ordered the test. Under existing law, the reported test results will be recorded in the patient's medical record and reported to the patient within a reasonable time period after the test results are received by the health care professional.

This bill would permit test results to be delivered in electronic form if requested by the patient and if deemed appropriate by the health care professional who requested the test. The bill also prohibits the disclosure of specific laboratory tests results by Internet posting or other electronic manner regardless of authorization by the patient.

This bill would prohibit the use of any patient identifiable test results and health information for any commercial purpose without consent of the patient *which has been conveyed in written or electronic form.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 123148 of the Health and Safety Code  
2 is amended to read:  
3 123148. (a) Notwithstanding any other provision of law, a  
4 health care professional at whose request a test is performed  
5 shall provide or arrange for the provision of the results of a clinical  
6 laboratory test to the patient who is the subject of the test if so  
7 requested by the patient. The results shall be conveyed in plain  
8 language and in *oral or* written form, except the results may be  
9 conveyed in electronic form if requested by the patient and if  
10 deemed most appropriate by the health care professional who  
11 requested the test.  
12 (b) In the event that a health care professional arranges for the  
13 provision of test results by Internet posting or other electronic  
14 manner, the results shall be delivered to a patient in a reasonable  
15 time period after the results have been provided to the health care  
16 professional. Access to clinical laboratory test results shall be  
17 restricted by the use of a secure personal identification number  
18 when the results are delivered to a patient by Internet posting or  
19 other electronic manner.  
20 (c) The electronic provision of test results under this section  
21 shall be in accordance with any applicable federal law governing  
22 privacy and security of electronic personal health records.  
23 However, any state statute, if enacted, that governs privacy and  
24 security of electronic personal health records, shall apply to test  
25 results under this section and shall prevail over federal law if  
26 federal law permits.  
27 (d) The test results to be reported to the patient pursuant to this  
28 section shall be recorded in the patient’s medical record and shall  
29 be reported to the patient within a reasonable time period after the  
30 test results are received at the offices of the health care professional  
31 who requested the test.  
32 (e) Notwithstanding subdivisions (a) and (b), none of the  
33 following clinical laboratory test results and any other related  
34 results shall be conveyed to a patient by Internet posting or other  
35 electronic manner:



- 1 (1) HIV.
- 2 (2) Hepatitis.
- 3 (3) Abusing the use of drugs.
- 4 (4) Test results related to routinely processed tissues, including
- 5 skin biopsies, Pap smear tests, products of conception, and bone
- 6 marrow aspirations for morphological evaluation.
- 7 (f) Patient identifiable test results and health information that
- 8 have been provided under this section shall not be used for any
- 9 commercial purpose without the consent of the patient, *conveyed*
- 10 *in written or electronic form.*

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