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Who Is Authorized to Order Clinical Laboratory Tests

The Department of Public Health (CDPH) has received numerous requests for clarification about who is authorized to order clinical laboratory tests and/or receive the test results in California. This notice is intended as an update to clarify the state and federal requirements.

Under California Business and Professions Code section 1288: “Any person conducting or operating a clinical laboratory may accept assignments for tests only from and make reports only to persons licensed under the provisions of law relating to the healing arts or their representatives...” In order to be “licensed under the provisions of law relating to the healing arts”, the healthcare practitioner must be licensed in the state of California as a physician and surgeon, or licensed as a healthcare provider with a scope of practice that authorizes one to order clinical laboratory tests. If the test results can be lawfully used by the healthcare provider to diagnose, manage or treat the patient, then it would likely be appropriate for that healthcare provider to order the test. In order to be considered a “representative” of the healthcare practitioner, that person must work for a person authorized to order tests, such as the ordering practitioner’s physician assistant or registered nurse. Under federal law (“CLIA” at title 42 CFR 493.1105(b), which was incorporated into state law at BPC 1220 (d) (2) (A)),

“The laboratory must assure that the requisition or test authorization includes the name and address or other suitable identifiers of the authorized person requesting the test.”

This means that the identity of the ordering healthcare provider must be clearly identified on the test requisition. A laboratory cannot accept a test requisition that does not identify the ordering physician or healthcare practitioner, and the laboratory must make a reasonable effort to assure that the person ordering the test is qualified to order the test. This includes tests ordered through a remote patient service center, as well as tests ordered with physician name encoded. Tests ordered over the internet must be ordered by an authorized person.