



Persons Authorized To Order Tests and Receive Directly the Results of Certain Laboratory Tests, for Specimens Accepted From New York State

Attorney	Tests must be for (i) use in the routine discovery process in a civil proceeding (e.g., tort case, Family Court case); and/or (ii) pursuant to an established client-attorney relationship (e.g., determination of biological relationships for child support, estate settlement or immigration; toxicological analysis to substantiate or refute alcohol or drug impairment)
Chiropractor	Tests must be within the scope of practice of chiropractic as defined by the NYS Education Department (NYSED-see www.op.nysed.gov/prof/chiro/chiolab)
Coroner	Tests must be related to the medical-legal investigation of a death
Court Judge	Tests must be for use in a legal proceeding under his/her jurisdiction, including paternity tests ordered pursuant to the Family Court Act and tests for alcohol and drugs of abuse ordered pursuant to NYS Vehicle and Traffic Law
Dentist	Tests must be within the scope of practice of dentistry as defined by NYSED
Government-operated public health agency or local health unit, e.g., State Commissioner of Health or an official designee, or county or local health official	Testing must be a necessary adjunct to a Public Health Law mandated or officially sanctioned public health activity
Government, foreign	Limited to testing by a consulate or embassy or US Citizenship and Immigration Services (USCIS) to substantiate or refute claims of familial relationship for purposes of establishing eligibility for immigration
Layperson (test subject) who has capacity to consent to health care	Tests must be for same purpose as a test or collection device that has been approved or cleared by the FDA for sale or distribution on a direct or over-the-counter basis without a prescription from a qualified health care practitioner (Note: the ordering medical practitioner must authorize release of any other testing to laypersons, with the exception of blood typing and Rh determinations)
Licensed Midwife	Tests must be within the scope of practice of midwifery as defined by NYSED
Licensed Mental Health Counselors, Licensed Marriage and Family Therapists, Licensed Psychoanalysts, and Licensed Creative Arts Therapists	Tests must be within the scope of practice of these professions as defined by the NYS Education Department, including tests for alcohol and drugs of abuse ordered pursuant to NYS Vehicle and Traffic Law
Licensed Clinical Social Workers and Licensed Master Social Workers	Tests must be within the scope of practice of these professions as defined by the NYS Education Department, including tests for alcohol and drugs of abuse ordered pursuant to NYS Vehicle and Traffic Law
Nurse Practitioner	Provided tests are within the scope of professional services recognized under the NP's specialty area(s) of certification and within the protocols specified in his or her practice agreement with collaborating physician
Parole Officer	Limited to tests to determine the presence or absence of a substance whose use is prohibited by the conditions of release established by the board of parole



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Page 2

Pharmacist	Limited to qualified pharmacists employed/affiliated with facilities specified in Article 137 of the NYS Education Law for tests used in collaborative drug therapy management, as specified in law and defined by NYSED, and in accordance with the written agreement or protocol specified by the collaborating physician along with the policies, procedures and protocols of the facility.
Physician (includes osteopath)	Tests must be within the scope of practice of medicine as defined by NYSED
Physician Assistant or Specialist Assistant	Tests must be within the scope of practice of medicine as defined by NYSED as practiced by the supervising physician
Psychologist	Tests must be within the scope of practice of psychology as defined by NYSED
Podiatrist	Tests must be within the scope of practice of podiatry as defined by NYSED
Police Officer	Limited to tests for alcohol or drug impairment to support arrest charges or an official investigation conducted under the NYS Vehicle and Traffic Law
Probation Officer	Limited to tests to determine the presence or absence of a substance whose use is prohibited by the conditions of release established by the NYS Division of Probation & Correctional Alternatives
Registered Professional Nurse	Tests must be performed under the authority set forth in section 1198-a of NYS Vehicle and Traffic Law

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