SOUTH AFRICAN MEDICAL ASSOCIATION
PATIENTS COLLECTING THEIR LAB RESULTS DIRECTLY FROM THE PATHOLOGIST/
RECEPTIONIST AT THE LABORATORY
A GUIDELINE TO PATHOLOGISTS AND MEDICAL PRACTITIONERS

GUIDANCE TO HEALTH CARE PRACTITIONERS

This document serves to provide medical practitioners and more specifically Pathologists with the relevant guidance on how to proceed when a patient approaches the Pathologist/ Laboratory representative directly to have tests done without referral from a medical practitioner or to obtain their test results.

As it currently stands the medical practitioner would make the recommendation that blood tests and/or other tests be conducted, where the Pathologist/ Laboratory representative will receive a form filled out by the medical practitioner and which includes the address of the medical practitioner where the test results must be sent.

Patients are however, approaching Laboratories with requests for tests to be done without having been seen by a medical practitioner or to obtain their test results directly from the Pathologist/ receptionist at the Laboratory without it being sent to the medical practitioner for interpretation.

This has caused Pathologists and their Laboratory representatives to be placed in an unfortunate position of having to disclose information to patients which they are legally entitled to, but don’t understand or know how to interpret. This often leads to incorrect assumptions, distress and unnecessary confusion on the part of the patient. Last mentioned can be avoided if the correct procedure is put in place and followed, in the best interest of the patient.

DEFINITIONS

In this guideline, any word or expression to which a meaning has been assigned shall bear such meaning and, unless the context indicates otherwise: -

“Comprehensive consent” means consent which extends to the entire transaction, inclusive of its consequences;

“Consent” in terms of the Health Act means consent for the provision of a specified health service given by a person with legal capacity. A person older than 12 years may consent to medical and surgical treatment subject to being sufficiently mature to provide the consent (Children’s Act no 38 of 2005) and a female of any age may consent to a termination of pregnancy (Choice on Termination of Pregnancy Act no 92 of 1996).

“Express consent” means consent which is expressed orally or in writing (except where patients cannot write or speak, when other forms of communication may be sufficient).

“Health care personnel” in terms of the Act, includes both health care providers and health care workers (i.e. the health care team that provide clinical services for users or patients, and the administrative staff who support these services). The Act includes health care practitioners under the term “health care providers”. For the purposes of these guidelines the term “health care practitioners” refers to practitioners registered with the HPCSA;
“Informed consent” means consent given by a patient who has knowledge of the nature or extent of the harm or risk, appreciates and understands the nature of the harm or risk, gave consent to the harm or assumed risk and still provided comprehensive consent;

“Laboratory representative” means any person employed in the laboratory or by the Pathologist;

“Medical practitioner” means a physician or surgeon registered with the HCPSA;

“Patients” are referred to as “users” in the Health Act. A “user” is a person receiving treatment in a health establishment, including receiving blood or blood products, or using a health service. “User” includes persons who are authorised to give consent in terms of the National Health Act where the patient is incompetent to give consent;

“Pathologist” means a specialist in pathology, specifically a physician who interprets and diagnoses the changes caused by disease in tissues and body fluids

“Pathologist Laboratory” means a room or building equipped for scientific experiments, research, or teaching, or for the manufacture of drugs or chemicals;

“Personal Information” means information about people that health care practitioners learn or obtain when dealing with the patient in their professional capacity and which information can be used to identify the patient;

“Public interest” means the interest of the community as a whole, or individuals or a group within the community;

“POPI” means the protection of personal information act no 4 of 2013;

“Professional Confidentiality” means the principle in medical ethics that the information a patient reveals to a health care provider is private and has limits on how and when it can be disclosed to a third party.

“Blood Test” means a scientific examination of a sample of blood, typically for the diagnosis of illness or for the detection and measurement of drugs or other substances.


“The Health Act” means the National Health Act 61 of 2003.

GUIDELINES

1. A doctor should offer to treat and to relieve suffering and should generally act in the best interests of his/her patients. This conforms to the ethical principle of beneficence.

   In saying this, every medical practitioner normally provides their patient with a written blood test form which indicates the relevant tests required after due consultation with the patient. The results are then sent to the medical practitioner who initially sent the patient for the tests. The medical practitioner will then discuss the results with the patient at the follow up consultation as per the requirements for maintaining professional confidentiality.
This is best practice and should be followed by all medical practitioners and Pathologists when and if possible.

2. The Health Act and POPI, confirms that all patients have a right to their own personal information which relates to their condition and the treatment options available to them. It can be inferred that the right to obtain test results at the Laboratory reports which contain information about the patient’s blood test and/or other test results, is included.

3. Where a patient then approaches the Pathologist/ Laboratory representative in person and request to be provided with his/her blood test or other test results, the patient is entitled to the information.

4. The Pathologist/ Laboratory representative must then inform the patient that it is in their best interest to have a medical practitioner interpret and explain the results to them. In giving them the test results, the Pathologist/ Laboratory waives liability for any distress or confusion which the patient may experience as a result of receiving the test result directly from the Pathologist/ Laboratory without consulting with a medical practitioner.

5. The patient must sign an Informed Consent document in which the patient acknowledges that the Pathologist/ Laboratory representative have explained the benefit of having a medical practitioner interpret and explain the results to him/her and that the Pathologist/ Laboratory representative can’t be held liable for any pain, discomfort, confusion or distress which the release of the patient’s test results to the patient, may cause.

6. Should any substantial evidence exist which suggest that providing the patient with his/her test results would be contrary to the best interests of the patient, the Pathologist/ Laboratory representative must contact the patient’s medical practitioner to obtain instruction on whether the medical practitioner is able to make an arrangement with the patient to rather visit the medical practice as soon as possible so as to allow for the medical practitioner to fully interpret and discuss the results and do so in an environment which is safe and to the benefit for the patient.

7. The Health Act also includes the following when dealing with the patient’s right to his/her own personal information:

The patient must be informed of the results in a manner which they will find easy to follow and use and should include all information about the diagnosis, prognosis, treatment options, outcomes of treatment, the likely timeframes of treatment and the expected costs, where relevant. This can only be done if the medical practitioner is afforded the opportunity to consult with the patient once they have received the test results from the Pathologist/ Laboratory representative. This must also be explained to the patient when they are initially referred to the Pathology Laboratory.

8. It is strongly recommended that patients be encouraged to visit their medical practitioner as soon as possible after receiving their results from the Pathologist/ Laboratory representative directly.

9. The Pathologist/Laboratory representative must inform the treating medical practitioner that the patient has obtained their test results directly from the Pathologist/ Laboratory.
representative and that the above mentioned advice was given and an informed consent document was signed by the patient prior to them receiving their test results.

10. The Pathologist/Laboratory representative must also attempt to obtain the contact details of the medical practitioner treating the patient so as to inform them when the patient self-referred to the Pathologist/ Laboratory representative for tests.

11. The patient must be allowed to make his/her informed decision on whether to self-refer to a Pathologist/ Laboratory representative for tests and/or obtaining their test results directly from the Pathologist/ receptionist at the Laboratory and not their medical practitioner.

12. The patient will carry the onus to make an appointment with his/her medical practitioner to have their test results interpreted.

13. The patient must provide comprehensive consent that he/she understands in the circumstances as explained, that they will not be able to hold the medical practitioner liable if he/she made an informed decision to self-refer to a Pathologist/ Laboratory for testing or if he/she obtained their test results directly from the Pathologist/ Laboratory representative.

14. Should circumstances arise where the patient’s lab results are sent to the incorrect medical practitioner, the results must immediately be sent back to the Laboratory by that medical practitioner — no patient must be contacted for results to be discussed by any medical practitioner other than their treating practitioner who also requested the tests, unless the patient requests for the results to go to another practitioner.

15. The patient must be treated with the utmost consideration and respect, always acknowledging that they are legally entitled to their own information, but that it might not necessarily be in their best interest to be exposed to information which they have limited knowledge and understanding of and which may be detrimental to their well-being if not explained fully and in a manner which they will understand, by their own trusted medical practitioner.

16. At no time must any attempt be made to obstruct the wish of the patient to obtain their own personal information. Advice must be given regarding the options available to the patient and assistance given when requested.

Contact Details:
SAMA Human Rights, Law and Ethics Unit
Tel: (012) 481 2000
Fax: (012) 481 2100
e-mail: online@samedical.org
Last updated:
Ratified by the SAMA Board in: