

**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: www.op.nysed.gov/professions/chiropractic/clinical-laboratory-tests-approved)
Coroner	Tests must be related to the medical-legal investigation of a death, including forensic DNA testing
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 the NYS Education Department (NYSEd: www.op.nysed.gov/professions/dentists/laws-rules-regulations)
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 dentistry as defined by the NYS Education Department (NYSEd: www.op.nysed.gov/professions/midwifery/laws-rules-regulations)
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 (LCSW) and Licensed Master Social Workers (LMSW)	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 their practice agreement with collaborating physician

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Optometrist	Tests must be within the scope of practice of optometry as defined by the NYS Education Department (NYSED: www.op.nysed.gov/professions/optometry/clinical-laboratory-tests)
Parole and 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 board of parole or probation commission
Pharmacist	<p>Limited to licensed, 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 the NYS Education Department, and in accordance with the written agreement or protocol specified by the collaborating physician along with the policies, procedures and protocols of the facility</p> <p>Limited to licensed pharmacists administering COVID-19 and influenza tests pursuant to Article 137, Section 6801.7 of Education Law (Effective until April 9, 2024)</p>
Physician	Tests must be within the scope of practice of medicine as defined by the NYS Education Department
Physician Assistant or Specialist Assistant	Tests must be within the scope of practice of medicine as defined by the NYS Education Department as assigned by the supervising physician.
Psychologist	Tests must be within the scope of practice of psychology as defined by the NYS Education Department
Podiatrist	Tests must be within the scope of practice of podiatry as defined by the NYS Education Department
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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Authorized to Order Tests / Receive Results for Forensic DNA Specimens Originating in New York

Government Crime Laboratory	Includes federal, state and local criminal investigation laboratories
Attorney	Prosecuting or defense attorney requesting testing in a criminal matter
Law Enforcement Agency	Includes federal, state and local law enforcement agencies, when evidence was collected by law enforcement
Immigration Judge / Attorney	Limited to testing to substantiate or refute claims of familial relationship for purposes of establishing eligibility for immigration
Court Judge	Tests must be for use in a criminal proceeding in his/her jurisdiction and obtained through court order
Medical Examiner / Coroner	Testing related to a medical-legal investigation of a death

May Collect Specimens Initiating Chain of Custody at the Request of Those Authorized and Listed Above

Corrections, Parole and Probation Officer, Court Clerk, Division of Criminal Justice Services Personnel	Collection of specimens from persons convicted of a qualifying offense under the Article 49-B of the Executive Law (a.k.a. the DNA Databank law) or under court order
Hospital Staff	Collection of sexual offence evidence

Not Authorized to Order Tests, Receive Results or Collect Forensic DNA Specimens

Employers
Private Individuals
Private Investigators