June 1, 2020

Temporary Suspension of Requirements of the Clinical Laboratory Act to Allow Personnel to Collect and Test Specimens in Skilled Nursing Facilities

To prevent transmission of the COVID-19 virus skilled nursing facilities may arrange for personnel of a clinical laboratory to come on-site to collect specimens to perform testing of staff and residents to identify asymptomatic positive cases. The process begins with the facility requesting the services of the laboratory personnel to collect and analyze specimens and report the results within a specified timeframe. After the laboratory completes the analysis, it will provide the results to the physician who wrote the order for testing.

Under 35 P.S. § 2163.1(b)(3), clinical laboratories and their personnel are not permitted to collect or handle specimens in a health care facility unless that laboratory and the health care facility are owned and operated by the same entity. With the Governor’s authorization as specified in the Proclamation of Disaster Emergency issued on March 6, 2020, the Department of Health is temporarily suspending 35 P.S. § 2163.1(b)(3) to permit laboratories and their personnel to perform specific activities related to on-site COVID-19 testing and specimen collection in skilled nursing facilities. This temporary suspension is in effect through the duration of the emergency disaster proclamation.

For more information on the Commonwealth’s response to COVID-19, please visit the Department of Health’s COVID-19 webpage.