

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1884 Session of
2017

INTRODUCED BY M. QUINN, TOEPEL, HICKERNELL, WATSON, MILLARD,
PICKETT, PHILLIPS-HILL, GILLEN, SCHWEYER, DeLUCA, BAKER,
BOBACK, EVERETT, B. O'NEILL, KAUFER, GROVE, KORTZ, ENGLISH,
HARPER, TALLMAN, DAVIS AND DOWLING, OCTOBER 25, 2017

SENATOR BAKER, HEALTH AND HUMAN SERVICES, IN SENATE, AS AMENDED,
SEPTEMBER 26, 2018

AN ACT

1 Providing for ~~summaries or copies~~ NOTIFICATION of patient test <--
2 results to be sent directly to a patient or the patient's
3 designee ~~when there is a finding of a significant~~ <--
4 ~~abnormality~~; and providing for duties of the Department of
5 Health.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Patient Test
10 Result Information Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Diagnostic imaging service." A medical imaging test
16 performed on a patient that is intended to diagnose the presence
17 or absence of a disease, including, but not limited to, a

1 malignancy.

2 "Diagnostic radiograph." A projectional radiograph that
3 acquires an image or digital image with x-rays to produce a high
4 contrast, two-dimensional image, otherwise known as an x-ray.

5 "Health care practitioner." As defined in section 103 of the
6 act of July 19, 1979 (P.L.130, No.48), known as the Health Care
7 Facilities Act.

8 "Significant abnormality." A finding by a diagnostic imaging
9 service of an abnormality or anomaly which would cause a
10 reasonably prudent person to seek additional or follow-up
11 medical care within three months.

12 Section 3. Test results.

13 (a) General rule.--~~An~~ WHEN, IN THE JUDGMENT OF THE ENTITY <--
14 PERFORMING A DIAGNOSTIC IMAGING SERVICE, A SIGNIFICANT
15 ABNORMALITY MAY EXIST, THE entity performing a THE diagnostic <--
16 imaging service shall directly notify the patient or the
17 patient's designee by providing notice that the entity has
18 completed a review of the test performed on the patient and has
19 sent results to the health care practitioner who ordered the
20 diagnostic imaging service ~~when there is a finding of a~~ <--
21 ~~significant abnormality~~. The notice shall include all of the
22 following:

23 (1) The name of the ordering health care practitioner.

24 (2) The date the test was performed.

25 (3) The date the results were sent to the ordering
26 health care practitioner.

27 ~~The summary of the report, otherwise known as an~~ <--
28 ~~impression or conclusion, or the complete results of the~~
29 ~~diagnostic imaging service provided to the ordering health~~
30 ~~care practitioner.~~

1 ~~(5)~~ The following statements:
2 You are receiving this NOTICE as a result of ~~an abnormal~~ <--
3 ~~finding on~~ A DETERMINATION BY your diagnostic imaging <--
4 ~~service.~~ THAT FURTHER DISCUSSIONS OF YOUR TEST RESULTS <--
5 ARE WARRANTED AND WOULD BE BENEFICIAL TO YOU.

6 The complete results of your test or tests have been OR <--
7 WILL BE sent to the health care practitioner that ordered
8 the test or tests. ~~You are always recommended to discuss~~ <--
9 ~~all test results with your health care practitioner.~~

10 ~~(6)~~ ~~Any information deemed necessary by the entity to~~
11 ~~help the patient or the patient's designee understand the~~
12 ~~information provided under paragraph (4).~~ IT IS RECOMMENDED <--
13 THAT YOU CONTACT YOUR HEALTH CARE PRACTITIONER TO DISCUSS
14 YOUR RESULTS AS SOON AS POSSIBLE.

15 (5) THE CONTACT INFORMATION NECESSARY FOR THE PATIENT TO
16 OBTAIN A FULL REPORT.

17 (b) Exceptions.--The following shall be exempted from the
18 requirements of subsection (a):

19 (1) Routine obstetrical ultrasounds used to monitor the
20 development of a fetus.

21 (2) Diagnostic imaging services performed on a patient
22 who is being treated on an inpatient basis OR IN AN EMERGENCY <--
23 ROOM.

24 (3) Diagnostic radiographs.

25 (c) Time.--Except as provided under subsection (d) (2) (v), ~~no~~ <--
26 ~~sooner than 7 days and~~ no later than 20 days after the date the
27 results were sent to the ordering health care practitioner as
28 provided under subsection (a) (3), the entity performing the
29 diagnostic imaging service shall provide the patient or
30 patient's designee with the notice under subsection (a).

1 (d) Method of transmittal.--

2 (1) The notice under subsection (a) shall be provided in
3 a manner deemed acceptable by the patient or the patient's
4 designee.

5 (2) A notice provided under subsection (a) shall be
6 presumed to comply with this act if:

7 (i) mailed in a properly addressed and stamped
8 letter through the United States Postal Service;

9 (ii) sent electronically by e-mail;

10 (iii) sent by automatic alert from an electronic
11 medical record system that the notice under subsection
12 (a) has been posted to the patient's electronic medical
13 record that is presently viewable;

14 (iv) sent by facsimile; or

15 (v) provided directly to the patient at the time of
16 service, so long as the patient acknowledges the receipt
17 of the results and signs the patient's medical record
18 accordingly.

19 ~~(c) Construction. Nothing under this act shall be construed <--~~

20 (E) CONSTRUCTION.-- <--

21 (1) NOTHING IN THIS ACT SHALL BE CONSTRUED to require an
22 entity to provide a patient or patient's designee the notice
23 under subsection (a) if the results are provided to the
24 patient or patient's designee by the health care practitioner
25 at the time of the test.

26 (2) NOTHING IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT <--
27 AN ENTITY FROM PROVIDING A PATIENT WITH:

28 (I) THE SUMMARY OF A DIAGNOSTIC IMAGING SERVICE
29 REPORT, OTHERWISE KNOWN AS AN IMPRESSION OR CONCLUSION;
30 OR

1 (II) THE COMPLETE RESULTS OF THE DIAGNOSTIC IMAGING
2 SERVICE PROVIDED TO THE ORDERING HEALTH CARE
3 PRACTITIONER.

4 Section 4. Duties of Department of Health.

5 The Department of Health shall:

6 (1) in accordance with law, conduct compliance reviews
7 as part of the inspection performed by the department or an
8 accrediting organization and investigate complaints filed
9 relating to the requirements of section 3; and

10 (2) establish a complaint procedure, which shall be made
11 available on the department's publicly accessible Internet
12 website.

13 Section 5. Existing professional obligation.

14 Nothing in this act shall be construed as relieving a health
15 care practitioner from complying with an existing professional
16 obligation to inform a patient of test results.

17 Section 6. Effective date.

18 This act shall take effect in 60 days.