

SENATE BILL No. 290

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-39-1-10.

Synopsis: Patient health information. Defines the term "diagnostic imaging service" (service). Requires the person or entity responsible for the performance of a service to provide a patient or the patient's designee with a notification containing information related to the status of the service. Specifies certain exceptions. Requires a notification to contain the following information: (1) The name of the health care provider responsible for ordering the service. (2) The date of the service. (3) The date the complete results for a service were sent to the health care provider responsible for requesting the service. Specifies how a notification may be sent. Requires a notification to be sent to a patient or the patient's designee not later than 20 days after the complete results of a service are sent to the physician responsible for requesting the service. Specifies that the obligation to send a service notification exists in addition to any other notice requirement required by state or federal law. Requires the state department of health (department) to: (1) enforce compliance with the notification requirement as part of the department's licensure responsibilities; (2) establish a complaint procedure for noncompliance; and (3) make the complaint procedure visible on the department's publicly accessible Internet web site. Provides the department with rulemaking authority for the purpose of investigating and enforcing notification obligations.

Effective: July 1, 2020.

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January 9, 2020, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 290

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-39-1-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 10. (a) This section does not apply to the following:**
4 (1) **Routine obstetrical ultrasounds used to monitor the**
5 **development of a fetus.**
6 (2) **Diagnostic imaging services performed on an emergency**
7 **room patient who is being treated on an inpatient basis.**
8 (3) **A person or entity who provides the results of a diagnostic**
9 **imaging service to a patient or the patient's designee at the**
10 **time of the diagnostic imaging service.**
11 **(b) As used in this section, "diagnostic imaging service" means**
12 **a medical imaging test performed for the purpose of:**
13 **(1) diagnosing; or**
14 **(2) determining the presence or absence of;**
15 **a disease, malignancy, or other abnormality.**
16 **(c) A person or entity responsible for the performance of a**
17 **diagnostic imaging service shall provide a notification to a patient**



- 1 or the patient's designee when:
- 2 (1) a review of the diagnostic imaging service result has been
- 3 completed; and
- 4 (2) the complete result for the diagnostic imaging service is
- 5 sent to the health care provider responsible for ordering the
- 6 diagnostic imaging service.
- 7 (d) The following information shall be included in any
- 8 notification described under subsection (c):
- 9 (1) The name of the health care provider responsible for
- 10 ordering the diagnostic imaging service.
- 11 (2) The date of the diagnostic imaging service.
- 12 (3) The date the complete result for the diagnostic imaging
- 13 service was sent to the health care provider responsible for
- 14 ordering the diagnostic imaging service.
- 15 (e) A notification issued under this section is subject to the
- 16 following requirements:
- 17 (1) It must be provided to a patient or the patient's designee
- 18 by one (1) or more of the following methods:
- 19 (A) First class mail.
- 20 (B) Electronic mail.
- 21 (C) Use of an automated message or alert system.
- 22 (D) Facsimile.
- 23 (E) Any other method agreed to by the parties.
- 24 (2) It must be issued to a patient or the patient's designee not
- 25 later than twenty (20) days after the complete result for the
- 26 diagnostic imaging service was sent to the health care
- 27 provider responsible for ordering the diagnostic imaging
- 28 service.
- 29 (f) The notice requirement described in subsection (c) shall be
- 30 performed in addition to any other notice requirement required by
- 31 state or federal law.
- 32 (g) Nothing in this section shall be construed to:
- 33 (1) abrogate, limit, or modify a person or entity's obligation
- 34 to comply with any other notice requirement required by state
- 35 or federal law; or
- 36 (2) prohibit a person or entity responsible for the
- 37 performance of a diagnostic imaging service from providing:
- 38 (A) a patient or the patient's designee with a results
- 39 summary, preliminary impression, or a preliminary
- 40 conclusion for the diagnostic imaging service; or
- 41 (B) the complete result for the diagnostic imaging service
- 42 to the health care provider responsible for ordering the



- 1 **diagnostic imaging service.**
- 2 **(h) The state department shall:**
- 3 **(1) investigate compliance with this section as part of the state**
- 4 **department's licensure responsibilities under IC 16-21;**
- 5 **(2) establish a complaint procedure for noncompliance with**
- 6 **subsection (c); and**
- 7 **(3) make the complaint procedure described in subdivision (2)**
- 8 **visible on the state department's publicly accessible Internet**
- 9 **web site.**
- 10 **(i) The state department may adopt rules under IC 4-22-2 to**
- 11 **implement this section.**

