

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1233 Session of 2015

INTRODUCED BY QUINN, BAKER, BOBACK, COHEN, CORBIN, D. COSTA, COX, DeLUCA, ENGLISH, EVERETT, FARRY, GILLEN, GROVE, HARPER, J. HARRIS, HELM, HENNESSEY, JAMES, KAUFER, KORTZ, LAWRENCE, McNEILL, MILLARD, MILNE, MURT, O'NEILL, PICKETT, READSHAW, ROZZI, SABATINA, TALLMAN, TOEPEL, TOOHL AND WATSON, MAY 18, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 28, 2015

AN ACT

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

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

7 Section 1. Short title.

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

10 Section 2. Definitions.

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

14 "Diagnostic imaging service." A medical imaging test
15 performed on a patient that is intended to diagnose the presence
16 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 entity performing a diagnostic imaging
14 service shall directly notify the patient or the patient's
15 designee BY PROVIDING NOTICE that the entity has completed a <--
16 review of the test performed on the patient and has sent results
17 to the health care practitioner who ordered the diagnostic
18 imaging service when there is a finding of a significant
19 abnormality. The notice shall include all of the following:

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

21 (2) The date the test was performed.

22 (3) The date the results were sent to the ordering
23 health care practitioner.

24 (4) The summary of the report, otherwise known as an
25 impression or conclusion, or the complete results of the
26 diagnostic imaging service provided to the ordering health
27 care practitioner.

28 (5) The following statements:

29 You are receiving this as a result of an abnormal finding
30 on your diagnostic imaging service.

1 The complete results of your test or tests have been sent
2 to the health care practitioner that ordered the tests.
3 You are always recommended to discuss all test results
4 with your health care practitioner.

5 (6) Any information deemed necessary by the entity to
6 help the patient or the patient's designee understand the
7 information provided under paragraph (4).

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

10 (1) Routine obstetrical ultrasounds used to monitor the
11 development of a fetus.

12 (2) Diagnostic imaging services performed on a patient
13 who is being treated on an inpatient basis.

14 (3) Diagnostic radiographs.

15 (c) ~~Test results.~~ No TIME.--EXCEPT AS PROVIDED UNDER <--
16 SUBSECTION (D) (2) (V), NO sooner than seven days and no later
17 than 20 days after the date THE RESULTS WERE SENT TO THE <--
18 ORDERING HEALTH CARE PRACTITIONER AS PROVIDED under subsection
19 (a) (3), the entity performing the diagnostic imaging service
20 shall provide the patient or patient's designee with the
21 ~~impression, conclusion or report of the results of the~~ <--
22 ~~diagnostic imaging service performed on the patient~~ NOTICE UNDER <--
23 SUBSECTION (A).

24 (d) Method of transmittal.--

25 (1) The notice under subsection (a) ~~and test results~~ <--
26 ~~under subsection (c)~~ shall be provided in a manner deemed
27 acceptable by the patient or the patient's designee.

28 (2) A notice provided under subsection (a) ~~and the test~~ <--
29 ~~results under subsection (c)~~ shall be presumed to comply with
30 this act if:

1 (i) mailed in a properly addressed and stamped
2 letter through the United States Postal Service;
3 (ii) sent electronically by e-mail;
4 (iii) sent by automatic alert from an electronic
5 medical record system that the notice under subsection
6 (a) has been posted to the patient's electronic medical
7 record that is presently viewable;
8 (iv) sent by facsimile; or
9 (v) provided directly to the patient at the time of
10 service, so long as the patient acknowledges the receipt
11 of the results and signs the patient's medical record
12 accordingly.

13 (e) Construction.--Nothing under this act shall be construed
14 to require an entity to provide a patient or patient's designee
15 the ~~test results~~ NOTICE under subsection ~~(e)~~ (A) if the results <--
16 are provided to the patient or patient's designee by the health
17 care practitioner at the time of the test.

18 Section 4. Duties of Department of Health.

19 The Department of Health shall:

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

24 (2) establish a complaint procedure, which shall be made
25 available on the department's publicly accessible Internet
26 website.

27 ~~Section 5. Applicability.~~ <--

28 ~~The duties imposed under this act on the Department of Health~~
29 ~~shall not commence until sufficient funding has been made~~
30 ~~available to the department for its duties under section 4 and~~

1 ~~the department has published a notice to that effect in the~~
2 ~~Pennsylvania Bulletin.~~

3 Section ~~6~~ 5. Existing professional obligation. <--

4 Nothing in this act shall be construed as relieving a health
5 care professional from complying with an existing professional
6 obligation to inform a patient of test results.

7 Section ~~7~~ 6. Effective date. <--

8 This act shall take effect in 60 days.