
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1956 Session of
2024

INTRODUCED BY KOSIEROWSKI, JOZWIAK, PROBST, VENKAT, MADDEN,
CURRY, DONAHUE, SANCHEZ, DALEY, BOROWSKI, CIRESI, CEPEDA-
FREYTIZ, SHUSTERMAN, TWARDZIK AND GILLEN, JANUARY 9, 2024

REFERRED TO COMMITTEE ON HEALTH, JANUARY 9, 2024

AN ACT

1 Amending the act of October 24, 2018 (P.L.719, No.112), entitled
2 "An act providing for notification of patient test results to
3 be sent directly to a patient or the patient's designee; and
4 providing for duties of the Department of Health," further
5 providing for definitions, for test results and for duties of
6 Department of Health.

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

9 Section 1. Sections 2, 3 and 4 of the act of October 24,
10 2018 (P.L.719, No.112), known as the Patient Test Result
11 Information Act, are amended to read:

12 Section 2. Definitions.

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

16 "Chronic condition." An illness that frequently recurs or
17 persists for a period in excess of three months.

18 "Diagnostic imaging service." A medical imaging test
19 performed on a patient that is intended to diagnose the presence

1 or absence of a disease, including, but not limited to, a
2 malignancy. The term does not include a nonimaging study,
3 including an electrocardiogram, standard electrocardiogram
4 treadmill stress test, cardiac monitor, pulmonary function test
5 or similar test.

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

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

12 ["Significant abnormality." A finding by a diagnostic
13 imaging service of an abnormality or anomaly which would cause a
14 reasonably prudent person to seek additional or follow-up
15 medical care within three months.]

16 Section 3. Test results.

17 [(a) General rule.--When, in the judgment of the entity
18 performing a diagnostic imaging service, a significant
19 abnormality may exist, the entity performing the diagnostic
20 imaging service shall directly notify the patient or the
21 patient's designee by providing notice that the entity has
22 completed a review of the test performed on the patient and has
23 sent results to the health care practitioner who ordered the
24 diagnostic imaging service. The notice shall include all of the
25 following:

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

27 (2) The date the test was performed.

28 (3) The date the results were sent to the ordering
29 health care practitioner.

30 (4) The following statements:

1 You are receiving this notice as a result of a
2 determination by your diagnostic imaging service that
3 further discussions of your test results are warranted
4 and would be beneficial to you.

5 The complete results of your test or tests have been or
6 will be sent to the health care practitioner that ordered
7 the test or tests. It is recommended that you contact
8 your health care practitioner to discuss your results as
9 soon as possible.

10 (5) The contact information necessary for the patient to
11 obtain a full report.]

12 (a.1) Written notice at time of service.--The entity
13 performing the diagnostic imaging service shall provide written
14 notice to the patient or the patient's designee at the time of
15 the diagnostic imaging service. The notice shall include the
16 following statement:

17 Your test results will be made immediately available to
18 you once the results are ready. You can access your test
19 results online through your electronic health record
20 (EHR) patient portal. If you do not have access to your
21 online patient portal, you can request that your test
22 results be delivered to you by mail. You may be charged a
23 reasonable fee for the administrative costs of mailing
24 the test results.

25 (b) Exceptions.--The following shall be exempted from the
26 requirements of subsection [(a)] (a.1):

27 (1) Routine obstetrical ultrasounds used to monitor the
28 development of a fetus.

29 (2) Diagnostic imaging services performed on a patient
30 who is being treated on an inpatient basis [or] in an

1 emergency [room] department or observation unit of a
2 hospital.

3 (3) Diagnostic radiographs.

4 (4) Diagnostic imaging services performed on a patient
5 with a chronic condition if the patient has previously
6 received notice of the chronic condition.

7 (5) Diagnostic imaging services test results provided to
8 a patient or a patient's designee at the time of the test.

9 [(c) Time.--Except as provided under subsection (d) (2) (v),
10 no later than 20 days after the date the results were sent to
11 the ordering health care practitioner as provided under
12 subsection (a) (3), the entity performing the diagnostic imaging
13 service shall provide the patient or patient's designee with the
14 notice under subsection (a).

15 (d) Method of transmittal.--

16 (1) The notice under subsection (a) shall be provided in
17 a manner deemed acceptable by the patient or the patient's
18 designee.

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

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

23 (ii) sent electronically by e-mail;

24 (iii) sent by automatic alert from an electronic
25 medical record system that the notice under subsection
26 (a) has been posted to the patient's electronic medical
27 record that is presently viewable;

28 (iv) sent by facsimile; or

29 (v) provided directly to the patient at the time of
30 service, so long as the patient acknowledges the receipt

1 of the results and signs the patient's medical record
2 accordingly.

3 (e) Construction.--

4 (1) Nothing in this act shall be construed to require an
5 entity to provide a patient or patient's designee the notice
6 under subsection (a) if the results are provided to the
7 patient or patient's designee by the health care practitioner
8 at the time of the test.

9 (2) Nothing in this act shall be construed to prohibit
10 an entity from providing a patient with:

11 (i) the summary of a diagnostic imaging service
12 report, otherwise known as an impression or conclusion;
13 or

14 (ii) the complete results of the diagnostic imaging
15 service provided to the ordering health care
16 practitioner.]

17 (f) Disclosure of test results.--The following test results
18 and any other related results shall not be disclosed to a
19 patient as part of the patient's electronic health record, and
20 in the case of a clinical laboratory test result or pathology
21 report shall not be disclosed by the person or entity that
22 administers and controls the patient's electronic health record,
23 until 72 hours after the results are finalized, unless the
24 health care practitioner directs the release of the results
25 before the end of that 72-hour period:

26 (1) Pathology reports or radiology reports that have a
27 reasonable likelihood of showing a finding of malignancy.

28 (2) Tests that could reveal genetic markers.

29 Section 4. Duties of Department of Health.

30 (a) Reviews and complaints.--The Department of Health shall:

1 (1) in accordance with law, conduct compliance reviews
2 on health care facilities licensed by the department as part
3 of the inspection performed by the department or an
4 accrediting organization and investigate complaints filed
5 relating to the requirements of section 3; [and]

6 (2) establish a complaint procedure, which shall be made
7 available on the department's publicly accessible Internet
8 website[.]; and

9 (3) coordinate with the appropriate State licensing
10 boards on complaints received by the department relating to
11 entities performing diagnostic imaging services not under the
12 department's jurisdiction and on how the complaints will be
13 referred to the appropriate State licensing boards for
14 review.

15 (b) Regulations.--The Department of Health may, by
16 regulation, exempt other tests in addition to those specified
17 under section 3(b) and (f).

18 Section 2. This act shall take effect in 60 days.