

PATIENT TEST RESULT INFORMATION ACT - ENACTMENT

Act of Oct. 24, 2018, P.L. 719, No. 112

Cl. 35

An Act

Providing for notification of patient test results to be sent directly to a patient or the patient's designee; and providing for duties of the Department of Health.

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

Section 1. Short title.

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

Section 2. Definitions.

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

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

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

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

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

Section 3. Test results.

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

- (1) The name of the ordering health care practitioner.
- (2) The date the test was performed.
- (3) The date the results were sent to the ordering health care practitioner.

(4) The following statements:

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

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

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

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

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

(2) Diagnostic imaging services performed on a patient who is being treated on an inpatient basis or in an emergency room.

(3) Diagnostic radiographs.

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

(d) Method of transmittal.--

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

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

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

(ii) sent electronically by e-mail;

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

(iv) sent by facsimile; or

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

(e) Construction.--

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

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

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

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

Section 4. Duties of Department of Health.

The Department of Health shall:

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

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

Section 5. Existing professional obligation.

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

Section 6. Effective date.

This act shall take effect in 60 days.