

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 REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 19, 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 that the entity has completed a review of the test
16 performed on the patient and has sent results to the health care
17 practitioner who ordered the diagnostic imaging service when
18 there is a finding of a significant abnormality. The notice
19 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 ~~summary report or the results of the diagnostic imaging~~ <--
8 ~~service~~ INFORMATION PROVIDED UNDER PARAGRAPH (4). <--

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

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

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

15 (3) Diagnostic radiographs.

16 (c) Test results.--No sooner than seven days and no later
17 than 20 days after the date under subsection (a)(3), the entity
18 performing the diagnostic imaging service shall provide the
19 patient or patient's designee with the impression, conclusion or
20 report of the results of the diagnostic imaging service
21 performed on the patient.

22 (d) Method of transmittal.--

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

26 (2) A notice provided under subsection (a) AND THE TEST <--
27 RESULTS UNDER SUBSECTION (C) shall be presumed to comply with
28 this act if:

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

1 (ii) sent electronically by e-mail;
2 (iii) sent by automatic alert from an electronic
3 medical record system that the notice under subsection
4 (a) has been posted to the patient's electronic medical
5 record that is presently viewable; ~~or~~ <--

6 (iv) sent by facsimile~~;~~; OR <--

7 (V) PROVIDED DIRECTLY TO THE PATIENT AT THE TIME OF
8 SERVICE, SO LONG AS THE PATIENT ACKNOWLEDGES THE RECEIPT
9 OF THE RESULTS AND SIGNS THE PATIENT'S MEDICAL RECORD
10 ACCORDINGLY.

11 (E) CONSTRUCTION.--NOTHING UNDER THIS ACT SHALL BE CONSTRUED
12 TO REQUIRE AN ENTITY TO PROVIDE A PATIENT OR PATIENT'S DESIGNEE
13 THE TEST RESULTS UNDER SUBSECTION (C) IF THE RESULTS ARE
14 PROVIDED TO THE PATIENT OR PATIENT'S DESIGNEE BY THE HEALTH CARE
15 PRACTITIONER AT THE TIME OF THE TEST.

16 Section 4. Duties of Department of Health.

17 The Department of Health shall:

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

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

25 Section 5. Applicability.

26 The duties imposed under this act on ~~entities performing~~ <--
27 ~~diagnostic imaging~~ and the Department of Health shall not
28 commence until sufficient funding has been made available to the
29 department for its duties under section 4 and the department has
30 published a notice to that effect in the Pennsylvania Bulletin.

1 Section 6. Existing professional obligation.

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

5 Section 7. Effective date.

6 This act shall take effect in 60 days.