

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1642 Session of 2013

INTRODUCED BY QUINN, BAKER, BARRAR, BOBACK, BROOKS, BROWNLEE, CALTAGIRONE, CARROLL, DeLUCA, DENLINGER, EVERETT, FLECK, FRANKEL, FREEMAN, GILLEN, GINGRICH, GROVE, HARHART, HARPER, HENNESSEY, HESS, KIRKLAND, KORTZ, MILLARD, R. MILLER, MILNE, MOUL, MUNDY, MURT, PASHINSKI, READSHAW, ROCK, ROZZI, SABATINA, STERN, SWANGER, TALLMAN, TOOHL, WATSON, YOUNGBLOOD, KULA AND ENGLISH, AUGUST 23, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 18, 2014

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, including any of the following: <--

16 (1) Magnetic resonance imaging.

- 1           ~~(2) Nuclear medicine.~~
- 2           ~~(3) Angiography.~~
- 3           ~~(4) Arteriography.~~
- 4           ~~(5) Computerized axial tomography.~~
- 5           ~~(6) Positron emission tomography.~~
- 6           ~~(7) Digital vascular imaging.~~
- 7           ~~(8) Bronchoscopy.~~
- 8           ~~(9) Lymphangiography.~~
- 9           ~~(10) Splenography.~~
- 10          ~~(11) Ultrasound.~~
- 11          ~~(12) EEG.~~
- 12          ~~(13) EKG.~~
- 13          ~~(14) Nerve conduction studies.~~
- 14          ~~(15) Evoked potentials.~~ THAT IS INTENDED TO DIAGNOSE THE <--

15            PRESENCE OR ABSENCE OF A DISEASE, INCLUDING, BUT NOT LIMITED  
16            TO, A MALIGNANCY.

17            "DIAGNOSTIC RADIOGRAPH." A PROJECTIONAL RADIOGRAPH THAT  
18            ACQUIRES AN IMAGE OR DIGITAL IMAGE WITH X-RAYS TO PRODUCE A HIGH  
19            CONTRAST, TWO-DIMENSIONAL IMAGE, OTHERWISE KNOWN AS AN X-RAY.

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

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

27            Section 3. Test results.

28            (a) General rule.--An entity performing a diagnostic imaging  
29            service shall ~~send by mail, directly to~~ DIRECTLY NOTIFY the       <--  
30            patient or the patient's designee, ~~a notice that the diagnostic~~ <--

1 ~~imaging service~~ ENTITY has completed a review of the test <--  
2 performed on the patient and has sent results to the health care  
3 practitioner who ordered the diagnostic imaging service when  
4 there is a finding of a significant abnormality. The notice  
5 shall include all of the following:

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

7 (2) The date the test was performed.

8 (3) The date the results were sent to the ordering  
9 health care practitioner.

10 (4) The summary of the report, otherwise known as an  
11 impression or conclusion, or the complete results of the  
12 diagnostic imaging service provided to the ordering health  
13 care practitioner.

14 ~~(5) Any information deemed necessary by the entity to~~ <--

15 (5) THE FOLLOWING STATEMENTS: <--

16 YOU ARE RECEIVING THIS AS A RESULT OF AN ABNORMAL FINDING  
17 ON YOUR DIAGNOSTIC IMAGING SERVICE.

18 THE RESULTS OF YOUR TEST OR TESTS HAVE BEEN SENT TO THE  
19 HEALTH CARE PRACTITIONER THAT ORDERED THE TESTS. YOU ARE  
20 ALWAYS RECOMMENDED TO DISCUSS ALL TEST RESULTS WITH YOUR  
21 HEALTH CARE PRACTITIONER.

22 (6) ANY INFORMATION DEEMED NECESSARY BY THE ENTITY TO  
23 help the patient or the patient's designee understand the  
24 summary report or the results of the diagnostic imaging  
25 service.

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

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

30 (2) Diagnostic imaging services performed on a patient

1 who is being treated on an inpatient basis.

2 (3) DIAGNOSTIC RADIOGRAPHS. <--

3 (c) Test results.--No sooner than seven days and no later  
4 than 20 days after the date under subsection (a) (3), the  
5 diagnostic imaging service shall provide the patient with the  
6 impression, conclusion or report of the results of the  
7 diagnostic imaging service performed on the patient.

8 (d) Method of transmittal.--~~The notice under subsection (a)~~ <--

9 THE FOLLOWING APPLY: <--

10 (1) THE NOTICE UNDER SUBSECTION (A) and test results  
11 under subsection (c) ~~may be provided electronically by e-mail~~ <--  
12 ~~or facsimile if such communication is~~ SHALL BE PROVIDED IN A <--  
13 MANNER deemed acceptable by the patient or the patient's  
14 designee.

15 (2) A NOTICE PROVIDED UNDER SUBSECTION (A) SHALL BE <--  
16 PRESUMED TO COMPLY WITH THIS ACT IF:

17 (I) MAILED IN A PROPERLY ADDRESSED AND STAMPED  
18 LETTER THROUGH THE UNITED STATES POSTAL SERVICE;

19 (II) SENT ELECTRONICALLY BY E-MAIL;

20 (III) SENT BY AUTOMATIC ALERT FROM AN ELECTRONIC  
21 MEDICAL RECORD SYSTEM THAT THE NOTICE UNDER SUBSECTION  
22 (A) HAS BEEN POSTED TO THE PATIENT'S ELECTRONIC MEDICAL  
23 RECORD THAT IS PRESENTLY VIEWABLE; OR

24 (IV) SENT BY FACSIMILE.

25 Section 4. Duties of Department of Health.

26 The Department of Health shall:

27 (1) in accordance with law, conduct compliance reviews  
28 as part of the ~~annual~~ inspection performed by the department <--

29 OR AN ACCREDITING ORGANIZATION and investigate complaints <--  
30 filed relating to the requirements of section 3; and

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

4 Section 5. Applicability.

5       The duties imposed under this act on entities performing  
6       diagnostic imaging and the Department of Health shall not  
7       commence until sufficient funding has been made available to the  
8       department for its duties under section 4 and the department has  
9       published a notice to that effect in the Pennsylvania Bulletin.

10 Section 6. Existing professional obligation.

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

14 Section 7. Effective date.

15       This act shall take effect in 60 days.