

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2103 Session of
2019

INTRODUCED BY JOZWIAK, FEE, PETRARCA, GILLEN, KNOWLES, MOUL,
KEEFER, SCHLOSSBERG AND RADER, DECEMBER 2, 2019

REFERRED TO COMMITTEE ON HEALTH, DECEMBER 2, 2019

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. The definitions of "diagnostic imaging service"
10 and "significant abnormality" in section 2 of the act of October
11 24, 2018 (P.L.719, No.112), known as the Patient Test Result
12 Information Act, are amended to read:

13 Section 2. Definitions.

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

17 "Diagnostic imaging service." [A medical imaging test
18 performed on a patient that is intended to diagnose the presence
19 or absence of a disease, including, but not limited to, a
20 malignancy.] Diagnostic magnetic imaging, computed tomography,

1 nuclear medicine or ultrasounds, performed to diagnose the
2 presence or absence of a disease, including, but not limited to,
3 a malignancy. The term includes positron emission tomography.

4 * * *

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

9 Section 2. Section 3 and 4 of the act are amended to read:

10 Section 3. Test results.

11 (a) General rule.--[When, in the judgment of the entity
12 performing a diagnostic imaging service, a significant
13 abnormality may exist, the] The entity performing the diagnostic
14 imaging service shall [directly notify] provide written notice
15 directly to the patient or the patient's designee [by providing
16 notice] at the time of service that the entity [has completed]
17 will complete a review of the test performed on the patient and
18 [has sent] will send the results to the health care practitioner
19 who ordered the diagnostic imaging service. The notice shall, at
20 a minimum, include [all of the following] the following
21 statement:

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

23 (2) The date the test was performed.

24 (3) The date the results were sent to the ordering
25 health care practitioner.

26 (4) The following statements:

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

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

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

8 The complete results of your test or tests will be sent
9 to the health care practitioner who ordered the test or
10 tests. If you are not contacted by the ordering health
11 care practitioner within 21 days of today's date, it is
12 recommended that you contact your health care
13 practitioner to discuss your results.

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

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

18 (2) Diagnostic imaging services performed on a patient
19 who is being treated on an inpatient basis [or], in an
20 emergency [room] department, in an emergency department
21 observation unit or in an urgent care center.

22 (3) Diagnostic radiographs.

23 (4) Diagnostic imaging services performed on a patient
24 with a chronic condition if the patient has previously
25 received a notice of the chronic condition, unless additional
26 diagnostic imaging reveals a clinically actionable change.

27 (5) All noninvasive evaluations for suspected or known
28 coronary artery disease, cardiac functional capacity,
29 arrhythmias, valvular and other heart disease, including, but
30 not limited to, the following exercise and pharmacologic

1 cardiac stress tests:

2 (i) Adjunctive imaging.

3 (ii) Cardiopulmonary stress tests.

4 (iii) Electrocardiograms.

5 (iv) Ambulatory heart rhythm monitors.

6 (6) Resting echocardiography, including transthoracic
7 and transesophageal echocardiograms.

8 (7) Multiple-gated acquisition scans or other nuclear
9 cardiology studies.

10 (8) Cardiac portions of planar, computed tomography,
11 positron emission tomography and magnetic resonance imaging
12 studies.

13 (9) Vascular imaging studies.

14 (10) All cardiovascular angiography and fluoroscopy,
15 including, but not limited to, coronary angiography,
16 peripheral angiography and ventriculography.

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

23 (d) Method of transmittal.--

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

27 (2) A notice provided under subsection (a) shall be
28 presumed to comply with 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;

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.] The notice under subsection (a) shall be

11 provided in writing directly to the patient or patient's
12 designee at the time of service and the entity performing
13 the diagnostic imaging service shall document providing
14 the notice to the patient or the patient's designee in
15 the patient's medical record.

16 (e) Construction.--

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

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

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

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

30 Section 4. Duties of Department of Health.

1 (a) Duties.--The Department of Health shall:

2 (1) in accordance with law, conduct compliance reviews
3 as part 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 applicable State licensing
10 boards on complaints received by the department relating to
11 health care practitioners not under the department's
12 jurisdiction and how the complaints will be referred to the
13 appropriate State licensing boards for review.

14 (b) Regulations.--The department may, by regulation, exempt
15 other tests from the notice requirements under section 3.

16 Section 3. This act shall take effect in 60 days.