

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2103 Session of 2019

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

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 16, 2020

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. FURTHER PROVIDING FOR DEFINITIONS, FOR <--
7 TEST RESULTS AND FOR DUTIES OF DEPARTMENT OF HEALTH.

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

10 Section 1. The definitions of "diagnostic imaging service" <--
11 and "significant abnormality" in section 2 of the act of October
12 24, 2018 (P.L.719, No.112), known as the Patient Test Result
13 Information Act, are amended to read:

14 Section 2. Definitions.

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

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.] Diagnostic magnetic imaging, computed tomography,~~
3 ~~nuclear medicine or ultrasounds, performed to diagnose the~~
4 ~~presence or absence of a disease, including, but not limited to,~~
5 ~~a malignancy. The term includes positron emission tomography.~~

6 * * *

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

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

12 Section 3. Test results.

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

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

25 ~~(2) The date the test was performed.~~

26 ~~(3) The date the results were sent to the ordering~~
27 ~~health care practitioner.~~

28 ~~(4) The following statements:~~

29 ~~You are receiving this notice as a result of a~~

30 ~~determination by your diagnostic imaging service that~~

1 ~~further discussions of your test results are warranted~~
2 ~~and would be beneficial to you.~~

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

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

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

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

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

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

24 ~~(3) Diagnostic radiographs.~~

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

29 ~~(5) All noninvasive evaluations for suspected or known~~
30 ~~coronary artery disease, cardiac functional capacity,~~

~~arrhythmias, valvular and other heart disease, including, but not limited to, the following exercise and pharmacologic cardiac stress tests:~~

~~(i) Adjunctive imaging.~~

~~(ii) Cardiopulmonary stress tests.~~

~~(iii) Electrocardiograms.~~

~~(iv) Ambulatory heart rhythm monitors.~~

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

~~(7) Multiple gated acquisition scans or other nuclear cardiology studies.~~

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

~~(9) Vascular imaging studies.~~

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

~~{(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:~~

1 ~~(i) mailed in a properly addressed and stamped~~
2 ~~letter through the United States Postal Service;~~
3 ~~(ii) sent electronically by e-mail;~~
4 ~~(iii) sent by automatic alert from an electronic~~
5 ~~medical record system that the notice under subsection~~
6 ~~(a) has been posted to the patient's electronic medical~~
7 ~~record that is presently viewable;~~

8 ~~(iv) sent by facsimile; or~~

9 ~~(v) provided directly to the patient at the time of~~
10 ~~service, so long as the patient acknowledges the receipt~~
11 ~~of the results and signs the patient's medical record~~
12 ~~accordingly.] The notice under subsection (a) shall be~~

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

18 ~~(e) Construction.—~~

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

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

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

28 ~~or~~

29 ~~(ii) the complete results of the diagnostic imaging~~
30 ~~service provided to the ordering health care~~

1 practitioner.

2 ~~Section 4. Duties of Department of Health.~~

3 ~~(a) Duties. The Department of Health shall:~~

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

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

11 ~~(3) coordinate with the applicable State licensing~~
12 ~~boards on complaints received by the department relating to~~
13 ~~health care practitioners not under the department's~~
14 ~~jurisdiction and how the complaints will be referred to the~~
15 ~~appropriate State licensing boards for review.~~

16 ~~(b) Regulations. The department may, by regulation, exempt~~
17 ~~other tests from the notice requirements under section 3.~~

18 ~~Section 3. This act shall take effect in 60 days.~~

19 SECTION 1. THE DEFINITION OF "SIGNIFICANT ABNORMALITY" IN <--
20 SECTION 2 OF THE ACT OF OCTOBER 24, 2018 (P.L.719, NO.112),
21 KNOWN AS THE PATIENT TEST RESULT INFORMATION ACT, IS AMENDED AND
22 THE SECTION IS AMENDED BY ADDING A DEFINITION TO READ:

23 SECTION 2. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
25 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "CHRONIC CONDITION." AN ILLNESS THAT FREQUENTLY RECURS OR
28 PERSISTS FOR A PERIOD IN EXCESS OF THREE MONTHS.

29 * * *

30 ["SIGNIFICANT ABNORMALITY." A FINDING BY A DIAGNOSTIC

1 IMAGING SERVICE OF AN ABNORMALITY OR ANOMALY WHICH WOULD CAUSE A
2 REASONABLY PRUDENT PERSON TO SEEK ADDITIONAL OR FOLLOW-UP
3 MEDICAL CARE WITHIN THREE MONTHS.]

4 SECTION 2. SECTIONS 3(A) AND (B) AND 4 OF THE ACT ARE
5 AMENDED TO READ:

6 SECTION 3. TEST RESULTS.

7 (A) GENERAL RULE.-- [WHEN, IN THE JUDGMENT OF THE ENTITY
8 PERFORMING A DIAGNOSTIC IMAGING SERVICE, A SIGNIFICANT
9 ABNORMALITY MAY EXIST, THE] AN ENTITY PERFORMING [THE] A
10 DIAGNOSTIC IMAGING SERVICE SHALL [DIRECTLY NOTIFY] PROVIDE
11 WRITTEN NOTICE TO THE PATIENT OR THE PATIENT'S DESIGNEE [BY
12 PROVIDING NOTICE] THAT THE ENTITY HAS COMPLETED A REVIEW OF THE
13 TEST PERFORMED ON THE PATIENT AND HAS SENT RESULTS TO THE HEALTH
14 CARE PRACTITIONER WHO ORDERED THE DIAGNOSTIC IMAGING SERVICE.
15 THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

16 (1) THE NAME OF THE ORDERING HEALTH CARE PRACTITIONER.

17 (2) THE DATE THE TEST WAS PERFORMED.

18 (3) THE DATE THE RESULTS WERE SENT TO THE ORDERING
19 HEALTH CARE PRACTITIONER.

20 (4) THE FOLLOWING STATEMENTS:

21 [YOU ARE RECEIVING THIS NOTICE AS A RESULT OF A
22 DETERMINATION BY YOUR DIAGNOSTIC IMAGING SERVICE THAT
23 FURTHER DISCUSSIONS OF YOUR TEST RESULTS ARE WARRANTED
24 AND WOULD BE BENEFICIAL TO YOU.
25 THE COMPLETE RESULTS OF YOUR TEST OR TESTS HAVE BEEN OR
26 WILL BE SENT TO THE HEALTH CARE PRACTITIONER THAT ORDERED
27 THE TEST OR TESTS. IT IS RECOMMENDED THAT YOU CONTACT
28 YOUR HEALTH CARE PRACTITIONER TO DISCUSS YOUR RESULTS AS
29 SOON AS POSSIBLE.] THE COMPLETE RESULTS OF YOUR TEST OR
30 TESTS HAVE BEEN SENT TO THE HEALTH CARE PRACTITIONER WHO

1 ORDERED THE TEST OR TESTS. IF YOU ARE NOT CONTACTED BY
2 THE ORDERING PRACTITIONER WITHIN 14 DAYS OR YOU ARE NOT
3 ABLE TO ACCESS YOUR TEST RESULTS ON YOUR ELECTRONIC
4 HEALTH RECORD, IT IS RECOMMENDED THAT YOU CONTACT YOUR
5 HEALTH CARE PRACTITIONER TO DISCUSS YOUR RESULTS.

6 (5) THE CONTACT INFORMATION NECESSARY FOR THE PATIENT TO
7 OBTAIN A FULL REPORT.

8 (B) EXCEPTIONS.--THE FOLLOWING SHALL BE EXEMPTED FROM THE
9 REQUIREMENTS OF SUBSECTION (A) :

10 (1) ROUTINE OBSTETRICAL ULTRASOUNDS USED TO MONITOR THE
11 DEVELOPMENT OF A FETUS.

12 (2) DIAGNOSTIC IMAGING SERVICES PERFORMED ON A PATIENT
13 WHO IS BEING TREATED ON AN INPATIENT BASIS [OR], IN AN
14 EMERGENCY [ROOM] DEPARTMENT OR OBSERVATION UNIT OF A
15 HOSPITAL.

16 (3) DIAGNOSTIC RADIOGRAPHS.

17 (4) DIAGNOSTIC IMAGING SERVICES PERFORMED ON A PATIENT
18 WITH A CHRONIC CONDITION IF THE PATIENT HAS PREVIOUSLY
19 RECEIVED NOTICE OF THE CHRONIC CONDITION.

20 (5) DIAGNOSTIC IMAGING SERVICES TEST RESULTS PROVIDED TO
21 A PATIENT AT THE TIME OF THE TEST.

22 * * *

23 SECTION 4. DUTIES OF DEPARTMENT OF HEALTH.

24 (A) DUTIES.--THE DEPARTMENT OF HEALTH SHALL:

25 (1) IN ACCORDANCE WITH LAW, CONDUCT COMPLIANCE REVIEWS
26 ON HEALTH CARE FACILITIES LICENSED BY THE DEPARTMENT AS PART
27 OF THE INSPECTION PERFORMED BY THE DEPARTMENT OR AN
28 ACCREDITING ORGANIZATION AND INVESTIGATE COMPLAINTS FILED
29 RELATING TO THE REQUIREMENTS OF SECTION 3; [AND]

30 (2) ESTABLISH A COMPLAINT PROCEDURE, WHICH SHALL BE MADE

1 AVAILABLE ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET
2 WEBSITE [.] ; AND

3 (3) COORDINATE WITH THE APPLICABLE STATE LICENSING
4 BOARDS ON COMPLAINTS RECEIVED BY THE DEPARTMENT RELATING TO
5 ENTITIES PERFORMING DIAGNOSTIC IMAGING SERVICES NOT UNDER THE
6 DEPARTMENT'S JURISDICTION AND HOW THE COMPLAINTS WILL BE
7 REFERRED TO THE APPROPRIATE STATE LICENSING BOARDS FOR
8 REVIEW.

9 (B) REGULATIONS.--THE DEPARTMENT MAY, BY REGULATION, EXEMPT
10 OTHER TESTS FROM THE NOTICE REQUIREMENTS UNDER SECTION 3.

11 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.