

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1280 Session of  
2021

INTRODUCED BY JOZWIAK, RYAN, ZIMMERMAN, MILLARD, GILLEN, RADER,  
FLOOD, DAY, JAMES, SANKEY, FEE, HARKINS, LONGIETTI, SCHWEYER,  
SAINATO, SCHLOSSBERG, T. DAVIS, COX AND KEEFER,  
APRIL 26, 2021

REFERRED TO COMMITTEE ON HEALTH, APRIL 26, 2021

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 and the section is amended by  
13 adding a definition 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 "Chronic condition." An illness that frequently recurs or  
19 persists for a period in excess of three months.

1 "Diagnostic imaging service." A medical imaging test  
2 performed on a patient that is intended to diagnose the presence  
3 or absence of a disease, including, but not limited to, a  
4 malignancy. The term does not include a nonimaging study,  
5 including electrocardiograms, standard EKG treadmill stress  
6 tests, cardiac monitors, pulmonary function tests or similar  
7 tests.

8 \* \* \*

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

13 Section 2. Sections 3(a), (b), (c) and (d) and 4 of the act  
14 are amended to read:

15 Section 3. Test results.

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

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

26 (2) The date the test was performed.

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

29 (4) The following statements:

30 You are receiving this notice as a result of a

1 determination by your diagnostic imaging service that  
2 further discussions of your test results are warranted  
3 and would be beneficial to you.

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

9 (5) The contact information necessary for the patient to  
10 obtain a full report.] Written notice at time of service.--  
11 Written notice shall be provided by the diagnostic imaging  
12 entity to the patient or the patient's designee at the time  
13 of the imaging service. The notice shall include the  
14 following statement:

15 The complete results of your test or tests will be sent  
16 to the health care practitioner who ordered the test or  
17 tests. If you are not contacted by the ordering  
18 practitioner within 21 days or you are not able to access  
19 your test result on your electronic health record, it is  
20 recommended that you contact your health care  
21 practitioner to discuss your results.

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

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

26 (2) Diagnostic imaging services performed on a patient  
27 who is being treated on an inpatient basis [or], in an  
28 emergency [room] department or observation unit of a  
29 hospital.

30 (3) Diagnostic radiographs.

1           (4) Diagnostic imaging services performed on a patient  
2 with a chronic condition if the patient has previously  
3 received notice of the chronic condition.

4           (5) Diagnostic imaging services test results provided to  
5 a patient at the time of the test.

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

12       (d) Method of transmittal.--

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

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

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

20                   (ii) sent electronically by e-mail;

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

25                   (iv) sent by facsimile; or

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

30       \* \* \*

1 Section 4. Duties of Department of Health.

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

3 (1) in accordance with law, conduct compliance reviews  
4 on health care facilities licensed by the department as part  
5 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 entities performing diagnostic imaging services not under the  
14 department's jurisdiction and how the complaints will be  
15 referred to the appropriate State licensing boards for  
16 review.

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

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