AN ACT

Amending the act of October 24, 2018 (P.L.719, No.112), entitled "An act providing for notification of patient test results to be sent directly to a patient or the patient's designee; and providing for duties of the Department of Health," further providing for definitions, for test results and for duties of Department of Health.

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

Section 1. The definitions of "diagnostic imaging service" and "significant abnormality" in section 2 of the act of October 24, 2018 (P.L.719, No.112), known as the Patient Test Result Information Act, are amended and the section is amended by adding a definition to read:

Section 2. Definitions.

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

"Chronic condition." An illness that frequently recurs or
persists for a period in excess of three months.

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

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

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

Section 3. Test results.

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

(1) The name of the ordering health care practitioner.
(2) The date the test was performed.
(3) The date the results were sent to the ordering
health care practitioner.
(4) The following statements:
You are receiving this notice as a result of a
determination by your diagnostic imaging service that
further discussions of your test results are warranted
and would be beneficial to you.
The complete results of your test or tests have been or
will be sent to the health care practitioner that ordered
the test or tests. It is recommended that you contact
your health care practitioner to discuss your results as
soon as possible.

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

Written notice at time of service.--

Written notice shall be provided by the diagnostic imaging
entity to the patient or the patient's designee at the time
of the imaging service. The notice shall include the
following statement:

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

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

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

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

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

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

[(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:

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

   (ii) sent electronically by e-mail;

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

   (iv) sent by facsimile; or

   (v) provided directly to the patient at the time of service, so long as the patient acknowledges the receipt of the results and signs the patient's medical record accordingly.]
SECTION 2. SECTIONS 3(A) AND (B) AND 4 OF THE ACT ARE AMENDED TO READ:

SECTION 3. TEST RESULTS.

(A) GENERAL RULE.-- WHEN, IN THE JUDGMENT OF THE ENTITY PERFORMING A DIAGNOSTIC IMAGING SERVICE, A SIGNIFICANT ABNORMALITY MAY EXIST, THE ENTITY PERFORMING THE DIAGNOSTIC IMAGING SERVICE SHALL PROVIDE WRITTEN NOTICE TO THE PATIENT OR THE PATIENT'S DESIGNEE BY PROVIDING NOTICE THAT THE ENTITY HAS COMPLETED A REVIEW OF THE TEST PERFORMED ON THE PATIENT AND HAS SENT RESULTS TO THE HEALTH CARE PRACTITIONER WHO ORDERED THE DIAGNOSTIC IMAGING SERVICE.

THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

1. THE NAME OF THE ORDERING HEALTH CARE PRACTITIONER.
2. THE DATE THE TEST WAS PERFORMED.
3. THE DATE THE RESULTS WERE SENT TO THE ORDERING HEALTH CARE PRACTITIONER.
4. THE FOLLOWING STATEMENTS:
   [YOU ARE RECEIVING THIS NOTICE AS A RESULT OF A DETERMINATION BY YOUR DIAGNOSTIC IMAGING SERVICE THAT FURTHER DISCUSSIONS OF YOUR TEST RESULTS ARE WARRANTED AND WOULD BE BENEFICIAL TO YOU. THE COMPLETE RESULTS OF YOUR TEST OR TESTS HAVE BEEN OR WILL BE SENT TO THE HEALTH CARE PRACTITIONER THAT ORDERED THE TEST OR TESTS. IT IS RECOMMENDED THAT YOU CONTACT YOUR HEALTH CARE PRACTITIONER TO DISCUSS YOUR RESULTS AS SOON AS POSSIBLE.] THE COMPLETE RESULTS OF YOUR TEST OR TESTS HAVE BEEN SENT TO THE HEALTH CARE PRACTITIONER WHO ORDERED THE TEST OR TESTS. IF YOU ARE NOT CONTACTED BY THE ORDERING PRACTITIONER WITHIN 14 DAYS OR YOU ARE NOT
ABLE TO ACCESS YOUR TEST RESULTS ON YOUR ELECTRONIC HEALTH RECORD, IT IS RECOMMENDED THAT YOU CONTACT YOUR HEALTH CARE PRACTITIONER TO DISCUSS YOUR RESULTS.

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

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

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

(2) DIAGNOSTIC IMAGING SERVICES PERFORMED ON A PATIENT WHO IS BEING TREATED ON AN INPATIENT BASIS OR IN AN EMERGENCY DEPARTMENT OR OBSERVATION UNIT OF A HOSPITAL.

(3) DIAGNOSTIC RADIOGRAPHS.

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

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

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Section 4. Duties of Department of Health.

(a) Duties.—The Department of Health shall:

(1) in accordance with law, conduct compliance reviews on health care facilities licensed by the department as part of the inspection performed by the department or an accrediting organization and investigate complaints filed relating to the requirements of section 3; [and]

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

(3) coordinate with the applicable State licensing
boards on complaints received by the department relating to
tentities performing diagnostic imaging services not under the
department's jurisdiction and how the complaints will be
referred to the appropriate State licensing boards for
review.

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

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