

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1280** Session of  
2021

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INTRODUCED BY JOZWIAK, RYAN, ZIMMERMAN, MILLARD, GILLEN, RADER,  
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APRIL 26, 2021

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AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,  
AS AMENDED, JUNE 23, 2021

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## 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

1 persists for a period in excess of three months.

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

9 \* \* \*

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

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

16 ~~Section 3. Test results.~~

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

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

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

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

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

1 ~~You are receiving this notice as a result of a~~  
2 ~~determination by your diagnostic imaging service that~~  
3 ~~further discussions of your test results are warranted~~  
4 ~~and would be beneficial to you.~~

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

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

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

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

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

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

1           ~~(3) Diagnostic radiographs.~~

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

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

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

13       ~~(d) Method of transmittal.~~

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

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

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

21               ~~(ii) sent electronically by e-mail;~~

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

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

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

1       \* \* \*

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

4 SECTION 3. TEST RESULTS.

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

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

15           (2) THE DATE THE TEST WAS PERFORMED.

16           (3) THE DATE THE RESULTS WERE SENT TO THE ORDERING  
17 HEALTH CARE PRACTITIONER.

18           (4) THE FOLLOWING STATEMENTS:

19       [YOU ARE RECEIVING THIS NOTICE AS A RESULT OF A  
20 DETERMINATION BY YOUR DIAGNOSTIC IMAGING SERVICE THAT  
21 FURTHER DISCUSSIONS OF YOUR TEST RESULTS ARE WARRANTED  
22 AND WOULD BE BENEFICIAL TO YOU.  
23 THE COMPLETE RESULTS OF YOUR TEST OR TESTS HAVE BEEN OR  
24 WILL BE SENT TO THE HEALTH CARE PRACTITIONER THAT ORDERED  
25 THE TEST OR TESTS. IT IS RECOMMENDED THAT YOU CONTACT  
26 YOUR HEALTH CARE PRACTITIONER TO DISCUSS YOUR RESULTS AS  
27 SOON AS POSSIBLE.] THE COMPLETE RESULTS OF YOUR TEST OR  
28 TESTS HAVE BEEN SENT TO THE HEALTH CARE PRACTITIONER WHO  
29 ORDERED THE TEST OR TESTS. IF YOU ARE NOT CONTACTED BY  
30 THE ORDERING PRACTITIONER WITHIN 14 DAYS OR YOU ARE NOT

1 ABLE TO ACCESS YOUR TEST RESULTS ON YOUR ELECTRONIC  
2 HEALTH RECORD, IT IS RECOMMENDED THAT YOU CONTACT YOUR  
3 HEALTH CARE PRACTITIONER TO DISCUSS YOUR RESULTS.

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

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

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

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

13 (3) DIAGNOSTIC RADIOGRAPHS.

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

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

19 \* \* \*

20 Section 4. Duties of Department of Health.

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

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

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

30 (3) coordinate with the applicable State licensing

1 boards on complaints received by the department relating to  
2 entities performing diagnostic imaging services not under the  
3 department's jurisdiction and how the complaints will be  
4 referred to the appropriate State licensing boards for  
5 review.

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

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