

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JANUARY 10, 2022

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 AMENDING THE ACT OF OCTOBER 24, 2018 (P.L.719, NO.112), ENTITLED <--
8 "AN ACT PROVIDING FOR NOTIFICATION OF PATIENT TEST RESULTS TO
9 BE SENT DIRECTLY TO A PATIENT OR THE PATIENT'S DESIGNEE; AND
10 PROVIDING FOR DUTIES OF THE DEPARTMENT OF HEALTH," FURTHER
11 PROVIDING FOR DEFINITIONS, FOR TEST RESULTS AND FOR DUTIES OF
12 DEPARTMENT OF HEALTH.

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

15 ~~Section 1. The definitions of "diagnostic imaging service" <--~~
16 ~~and "significant abnormality" in section 2 of the act of October~~
17 ~~24, 2018 (P.L.719, No.112), known as the Patient Test Result~~
18 ~~Information Act, are amended and the section is amended by~~
19 ~~adding a definition to read:~~
20 ~~Section 2. Definitions.~~
21 ~~The following words and phrases when used in this act shall~~

1 ~~have the meanings given to them in this section unless the~~
2 ~~context clearly indicates otherwise:~~

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

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

12 ~~***~~

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

17 ~~Section 2. Sections 3(a) and (b) and 4 of the act are~~
18 ~~amended to read:~~

19 ~~Section 3. Test results.~~

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

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

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

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

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

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

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

13 tests have been sent to the health care practitioner who
14 ordered the test or tests. If you are not contacted by
15 the ordering practitioner within 14 days or you are not
16 able to access your test results on your electronic
17 health record, it is recommended that you contact your
18 health care practitioner to discuss your results.

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

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

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

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

28 ~~(3) Diagnostic radiographs.~~

29 ~~(4) Diagnostic imaging services performed on a patient~~
30 ~~with a chronic condition if the patient has previously~~

1 ~~received notice of the chronic condition.~~

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

4 * * *

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

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

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

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

15 ~~(3) coordinate with the applicable State licensing~~
16 ~~boards on complaints received by the department relating to~~
17 ~~entities performing diagnostic imaging services not under the~~
18 ~~department's jurisdiction and how the complaints will be~~
19 ~~referred to the appropriate State licensing boards for~~
20 ~~review.~~

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

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

24 SECTION 1. THE DEFINITIONS OF "DIAGNOSTIC IMAGING SERVICE" <--
25 AND "SIGNIFICANT ABNORMALITY" IN SECTION 2 OF THE ACT OF OCTOBER
26 24, 2018 (P.L.719, NO.112), KNOWN AS THE PATIENT TEST RESULT
27 INFORMATION ACT, ARE AMENDED AND THE SECTION IS AMENDED BY
28 ADDING A DEFINITION TO READ:

29 SECTION 2. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL

1 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

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

5 "DIAGNOSTIC IMAGING SERVICE." A MEDICAL IMAGING TEST
6 PERFORMED ON A PATIENT THAT IS INTENDED TO DIAGNOSE THE PRESENCE
7 OR ABSENCE OF A DISEASE, INCLUDING, BUT NOT LIMITED TO, A
8 MALIGNANCY. THE TERM DOES NOT INCLUDE A NONIMAGING STUDY,
9 INCLUDING ELECTROCARDIOGRAMS, STANDARD EKG TREADMILL STRESS
10 TESTS, CARDIAC MONITORS, PULMONARY FUNCTION TESTS OR SIMILAR
11 TESTS.

12 * * *

13 ["SIGNIFICANT ABNORMALITY." A FINDING BY A DIAGNOSTIC
14 IMAGING SERVICE OF AN ABNORMALITY OR ANOMALY WHICH WOULD CAUSE A
15 REASONABLY PRUDENT PERSON TO SEEK ADDITIONAL OR FOLLOW-UP
16 MEDICAL CARE WITHIN THREE MONTHS.]

17 SECTION 2. SECTIONS 3(A), (B), (C) AND (D) AND 4 OF THE ACT
18 ARE AMENDED TO READ:

19 SECTION 3. TEST RESULTS.

20 (A) [GENERAL RULE.--WHEN, IN THE JUDGMENT OF THE ENTITY
21 PERFORMING A DIAGNOSTIC IMAGING SERVICE, A SIGNIFICANT
22 ABNORMALITY MAY EXIST, THE ENTITY PERFORMING THE DIAGNOSTIC
23 IMAGING SERVICE SHALL DIRECTLY NOTIFY THE PATIENT OR THE
24 PATIENT'S DESIGNEE BY PROVIDING NOTICE THAT THE ENTITY HAS
25 COMPLETED A REVIEW OF THE TEST PERFORMED ON THE PATIENT AND HAS
26 SENT RESULTS TO THE HEALTH CARE PRACTITIONER WHO ORDERED THE
27 DIAGNOSTIC IMAGING SERVICE. THE NOTICE SHALL INCLUDE ALL OF THE
28 FOLLOWING:

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

30 (2) THE DATE THE TEST WAS PERFORMED.

1 (3) THE DATE THE RESULTS WERE SENT TO THE ORDERING
2 HEALTH CARE PRACTITIONER.

3 (4) THE FOLLOWING STATEMENTS:

4 YOU ARE RECEIVING THIS NOTICE AS A RESULT OF A
5 DETERMINATION BY YOUR DIAGNOSTIC IMAGING SERVICE THAT
6 FURTHER DISCUSSIONS OF YOUR TEST RESULTS ARE WARRANTED
7 AND WOULD BE BENEFICIAL TO YOU.

8 THE COMPLETE RESULTS OF YOUR TEST OR TESTS HAVE BEEN OR
9 WILL BE SENT TO THE HEALTH CARE PRACTITIONER THAT ORDERED
10 THE TEST OR TESTS. IT IS RECOMMENDED THAT YOU CONTACT
11 YOUR HEALTH CARE PRACTITIONER TO DISCUSS YOUR RESULTS AS
12 SOON AS POSSIBLE.

13 (5) THE CONTACT INFORMATION NECESSARY FOR THE PATIENT TO
14 OBTAIN A FULL REPORT.] WRITTEN NOTICE AT TIME OF SERVICE.--

15 WRITTEN NOTICE SHALL BE PROVIDED BY THE DIAGNOSTIC IMAGING
16 ENTITY TO THE PATIENT OR THE PATIENT'S DESIGNEE AT THE TIME
17 OF THE IMAGING SERVICE. THE NOTICE SHALL INCLUDE THE
18 FOLLOWING STATEMENT:

19 THE COMPLETE RESULTS OF YOUR TEST OR TESTS WILL BE SENT
20 TO THE HEALTH CARE PRACTITIONER WHO ORDERED THE TEST OR
21 TESTS. IF YOU ARE NOT CONTACTED BY THE ORDERING
22 PRACTITIONER WITHIN 21 DAYS OR YOU ARE NOT ABLE TO ACCESS
23 YOUR TEST RESULT ON YOUR ELECTRONIC HEALTH RECORD, IT IS
24 RECOMMENDED THAT YOU CONTACT YOUR HEALTH CARE
25 PRACTITIONER TO DISCUSS YOUR RESULTS.

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

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

30 (2) DIAGNOSTIC IMAGING SERVICES PERFORMED ON A PATIENT

1 WHO IS BEING TREATED ON AN INPATIENT BASIS [OR], IN AN
2 EMERGENCY [ROOM] DEPARTMENT OR OBSERVATION UNIT OF A
3 HOSPITAL.

4 (3) DIAGNOSTIC RADIOGRAPHS.

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

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

10 [(C) TIME.--EXCEPT AS PROVIDED UNDER SUBSECTION (D) (2) (V),
11 NO LATER THAN 20 DAYS AFTER THE DATE THE RESULTS WERE SENT TO
12 THE ORDERING HEALTH CARE PRACTITIONER AS PROVIDED UNDER
13 SUBSECTION (A) (3), THE ENTITY PERFORMING THE DIAGNOSTIC IMAGING
14 SERVICE SHALL PROVIDE THE PATIENT OR PATIENT'S DESIGNEE WITH THE
15 NOTICE UNDER SUBSECTION (A).

16 (D) METHOD OF TRANSMITTAL.--

17 (1) THE NOTICE UNDER SUBSECTION (A) SHALL BE PROVIDED IN
18 A MANNER DEEMED ACCEPTABLE BY THE PATIENT OR THE PATIENT'S
19 DESIGNEE.

20 (2) A NOTICE PROVIDED UNDER SUBSECTION (A) SHALL BE
21 PRESUMED TO COMPLY WITH THIS ACT IF:

22 (I) MAILED IN A PROPERLY ADDRESSED AND STAMPED
23 LETTER THROUGH THE UNITED STATES POSTAL SERVICE;

24 (II) SENT ELECTRONICALLY BY E-MAIL;

25 (III) SENT BY AUTOMATIC ALERT FROM AN ELECTRONIC
26 MEDICAL RECORD SYSTEM THAT THE NOTICE UNDER SUBSECTION
27 (A) HAS BEEN POSTED TO THE PATIENT'S ELECTRONIC MEDICAL
28 RECORD THAT IS PRESENTLY VIEWABLE;

29 (IV) SENT BY FACSIMILE; OR

30 (V) PROVIDED DIRECTLY TO THE PATIENT AT THE TIME OF

1 SERVICE, SO LONG AS THE PATIENT ACKNOWLEDGES THE RECEIPT OF
2 THE RESULTS AND SIGNS THE PATIENT'S MEDICAL RECORD
3 ACCORDINGLY.]

4 * * *

5 SECTION 4. DUTIES OF DEPARTMENT OF HEALTH.

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

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

12 (2) ESTABLISH A COMPLAINT PROCEDURE, WHICH SHALL BE MADE
13 AVAILABLE ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET
14 WEBSITE[.]; AND

15 (3) COORDINATE WITH THE APPLICABLE STATE LICENSING
16 BOARDS ON COMPLAINTS RECEIVED BY THE DEPARTMENT RELATING TO
17 ENTITIES PERFORMING DIAGNOSTIC IMAGING SERVICES NOT UNDER THE
18 DEPARTMENT'S JURISDICTION AND HOW THE COMPLAINTS WILL BE
19 REFERRED TO THE APPROPRIATE STATE LICENSING BOARDS FOR
20 REVIEW.

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

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