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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 834 Session of  
2021

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INTRODUCED BY ARGALL, MENSCH, STEFANO, SCHWANK, YUDICHAK AND  
SABATINA, AUGUST 27, 2021

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REFERRED TO HEALTH AND HUMAN SERVICES, AUGUST 27, 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  
19 persists for a period in excess of three months.

20 "Diagnostic imaging service." A medical imaging test

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

7 \* \* \*

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

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

14 Section 3. Test results.

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

23 The notice shall include all of the following:

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.] The complete results of your test or  
8 tests have been sent to the health care practitioner who  
9 ordered the test or tests. If you are not contacted by  
10 the ordering practitioner within 14 days or you are not  
11 able to access your test results on your electronic  
12 health record, it is recommended that you contact your  
13 health care practitioner to discuss your results.

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

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 emergency  
22 [room] department or observation unit of a hospital.

23 (3) Diagnostic radiographs.

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

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

29 \* \* \*

30 Section 4. Duties of Department of Health.

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

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

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

10 (3) coordinate with the applicable State licensing  
11 boards on complaints received by the department relating to  
12 entities performing diagnostic imaging services not under the  
13 department's jurisdiction and how the complaints will be  
14 referred to the appropriate State licensing boards for  
15 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.