

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1956 Session of  
2024

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FREYTIZ, SHUSTERMAN, TWARDZIK AND GILLEN, JANUARY 9, 2024

REFERRED TO COMMITTEE ON HEALTH, JANUARY 9, 2024

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. Sections 2, 3 and 4 of the act of October 24,  
10 2018 (P.L.719, No.112), known as the Patient Test Result  
11 Information Act, are amended to read:

12 Section 2. Definitions.

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

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

18 "Diagnostic imaging service." A medical imaging test  
19 performed on a patient that is intended to diagnose the presence

1 or absence of a disease, including, but not limited to, a  
2 malignancy. The term does not include a nonimaging study,  
3 including an electrocardiogram, standard electrocardiogram  
4 treadmill stress test, cardiac monitor, pulmonary function test  
5 or similar test.

6 "Diagnostic radiograph." A projectional radiograph that  
7 acquires an image or digital image with x-rays to produce a high  
8 contrast, two-dimensional image, otherwise known as an x-ray.

9 "Health care practitioner." As defined in section 103 of the  
10 act of July 19, 1979 (P.L.130, No.48), known as the Health Care  
11 Facilities Act.

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

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.]

12 (a.1) Written notice at time of service.--The entity  
13 performing the diagnostic imaging service shall provide written  
14 notice to the patient or the patient's designee at the time of  
15 the diagnostic imaging service. The notice shall include the  
16 following statement:

17 Your test results will be made immediately available to  
18 you once the results are ready. You can access your test  
19 results online through your electronic health record  
20 (EHR) patient portal. If you do not have access to your  
21 online patient portal, you can request that your test  
22 results be delivered to you by mail. You may be charged a  
23 reasonable fee for the administrative costs of mailing  
24 the test results.

25 (b) Exceptions.--The following shall be exempted from the  
26 requirements of subsection [(a)] (a.1):

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

29 (2) Diagnostic imaging services performed on a patient  
30 who is being treated on an inpatient basis [or] in an

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

3 (3) Diagnostic radiographs.

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

7 (5) Diagnostic imaging services test results provided to  
8 a patient or a patient's designee at the time of the test.

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

15 (d) Method of transmittal.--

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

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

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

23 (ii) sent electronically by e-mail;

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

28 (iv) sent by facsimile; or

29 (v) provided directly to the patient at the time of  
30 service, so long as the patient acknowledges the receipt

1 of the results and signs the patient's medical record  
2 accordingly.

3 (e) Construction.--

4 (1) Nothing in this act shall be construed to require an  
5 entity to provide a patient or patient's designee the notice  
6 under subsection (a) if the results are provided to the  
7 patient or patient's designee by the health care practitioner  
8 at the time of the test.

9 (2) Nothing in this act shall be construed to prohibit  
10 an entity from providing a patient with:

11 (i) the summary of a diagnostic imaging service  
12 report, otherwise known as an impression or conclusion;  
13 or

14 (ii) the complete results of the diagnostic imaging  
15 service provided to the ordering health care  
16 practitioner.]

17 (f) Disclosure of test results.--The following test results  
18 and any other related results shall not be disclosed to a  
19 patient as part of the patient's electronic health record, and  
20 in the case of a clinical laboratory test result or pathology  
21 report shall not be disclosed by the person or entity that  
22 administers and controls the patient's electronic health record,  
23 until 72 hours after the results are finalized, unless the  
24 health care practitioner directs the release of the results  
25 before the end of that 72-hour period:

26 (1) Pathology reports or radiology reports that have a  
27 reasonable likelihood of showing a finding of malignancy.

28 (2) Tests that could reveal genetic markers.

29 Section 4. Duties of Department of Health.

30 (a) Reviews and complaints.--The Department of Health shall:

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

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

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

15          (b) Regulations.--The Department of Health may, by  
16          regulation, exempt other tests in addition to those specified  
17          under section 3(b) and (f).

18          Section 2. This act shall take effect in 60 days.