

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1956** Session of  
2024

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JANUARY 9, 2024

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AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,  
AS AMENDED, MARCH 18, 2024

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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. 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

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 an electrocardiogram, standard electrocardiogram  
5 treadmill stress test, cardiac monitor, pulmonary function test  
6 or similar test.

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

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

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 3. Test results.

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

- 27 (1) The name of the ordering health care practitioner.  
28 (2) The date the test was performed.  
29 (3) The date the results were sent to the ordering  
30 health care practitioner.

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

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

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

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

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

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 or a patient's designee 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  
2 of the results and signs the patient's medical record  
3 accordingly.

4 (e) Construction.--

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

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

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

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

18 (f) Disclosure of test results.--~~The~~ EXCEPT AS PROVIDED <--  
19 UNDER SUBSECTION (G), THE following test results and any other  
20 related results shall not be disclosed to a patient as part of  
21 the patient's electronic health record, and in the case of a  
22 clinical laboratory test result or pathology report shall not be  
23 disclosed by the person or entity that administers and controls  
24 the patient's electronic health record, until ~~72 hours~~ ONE FULL <--  
25 BUSINESS DAY HAS ELAPSED after the results are finalized, unless  
26 the ORDERING health care practitioner directs the release of the <--  
27 results before the end of that ~~72-hour~~ period: <--

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

30 (2) Tests that could reveal genetic markers.

1 (G) EXCEPTION.--THE PROHIBITION UNDER SUBSECTION (F) SHALL <--  
2 NOT APPLY IF THE TEST RESULTS ARE PROVIDED TO A PATIENT OR THE  
3 PATIENT'S DESIGNEE AT THE TIME OF THE TEST.

4 (H) POLICIES AND PROCEDURES.--A HEALTH CARE FACILITY,  
5 CLINICAL LABORATORY OR AN ENTITY PERFORMING A DIAGNOSTIC IMAGING  
6 SERVICE SHALL DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES FOR  
7 PROVIDING PATIENT TEST RESULTS IN ACCORDANCE WITH THIS SECTION.

8 (I) FACE-TO-FACE REQUIREMENTS.--NOTHING IN THIS ACT SHALL BE  
9 CONSTRUED TO REPEAL ANY LAW OF THIS COMMONWEALTH THAT REQUIRES A  
10 HEALTH CARE PRACTITIONER TO CONDUCT A FACE-TO-FACE MEETING OR  
11 COUNSELING SESSION WITH A PATIENT PRIOR TO A TEST RESULT BEING  
12 DISCLOSED TO THE PATIENT OR BEING POSTED IN THE PATIENT'S  
13 ELECTRONIC HEALTH RECORD.

14 Section 4. Duties of Department of Health.

15 (a) Reviews and complaints.--The Department of Health  
16 shall [: <--

17 (1) in accordance with law, conduct compliance reviews  
18 on health care facilities licensed by the department as part <--  
19 of the inspection performed by the department or an  
20 accrediting organization and investigate complaints filed  
21 relating to the requirements of section 3; {and} <--

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

25 ~~(3) coordinate with the appropriate State licensing~~  
26 ~~boards on complaints received by the department relating to~~  
27 ~~entities performing diagnostic imaging services not under the~~  
28 ~~department's jurisdiction and on how the complaints will be~~  
29 ~~referred to the appropriate State licensing boards for~~  
30 ~~review.~~

1 ~~(b) Regulations.--The Department of Health may, by~~  
2 ~~regulation, exempt other tests in addition to those specified~~  
3 ~~under section 3(b) and (f).~~ CONDUCT COMPLIANCE REVIEWS ON HEALTH <--  
4 CARE FACILITIES AND CLINICAL LABORATORIES LICENSED OR PERMITTED  
5 BY THE DEPARTMENT.

6 (B) LIMITATION.--THE DEPARTMENT OF HEALTH SHALL LIMIT THE  
7 SCOPE OF THE COMPLIANCE REVIEWS UNDER SUBSECTION (A) TO  
8 DETERMINING WHETHER POLICIES AND PROCEDURES HAVE BEEN DEVELOPED  
9 AND IMPLEMENTED IN ACCORDANCE WITH SECTION 3(H).

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