A Call to Repeal Act 112

The Patient Test Result Information Act of 2018

On Oct. 24, 2018, Governor Tom Wolf signed Act 112 – known as the Patient Test Result Information Act into law. This Pennsylvania law requires entities performing a diagnostic imaging service to directly notify the patient or patient’s designee when, in the judgment of the entity performing the test, a significant abnormality may exist. A “significant abnormality” is defined as “a finding by a diagnostic imaging service of an abnormality which would cause a reasonably prudent person to seek additional or follow-up medical care within three months.”

The catalyst for this legislation was the perceived risk that the increased workload of health care providers increases the prospects that test results may be overlooked or misread. Former PA State Representative Marguerite Quinn, who introduced the bill, expressed worry over “two situations in which abnormal test results were not communicated to the patient, resulting in the unnecessary death of both people”. These circumstances caused Representative Quinn to press for better communication between imaging centers and any person who receives outpatient diagnostic imaging services.

According to the new law, this notification must be transmitted to the patient no later than twenty (20) days after the information was provided to the ordering health care provider. The method of communication is also stated in the Act, and can include US Mail, email, automatic alert from a medical record system, fax, or provided to the patient at the time of the test. If the abnormal result is conveyed in person, the patient must sign and acknowledge receipt of the information.

Some exceptions to this notification requirement include routine obstetrical ultrasounds; diagnostic imaging performed on an inpatient, or emergency room patient; and diagnostic radiographs.

What is this Doing to the Practice of Medicine?

Since the passage of Act 112 many cardiologists and other physicians have begun to recognize the inappropriateness of much of the law, feeling that it is inconsistent with any reasonable approach to how the interpreting physicians
should interact with patients regarding imaging studies. For specialists who read or perform diagnostic tests but have never met the patient, the Act puts physicians in an inappropriate position. These doctors must notify patients of potentially serious findings with no real knowledge of their clinical situation or how they may react to receiving this information.

In a call to rescind Act 112, local physicians have also shared that many of these studies include findings that may or may not be able to be determined by the interpreting physician as to clinical significance to any given patient. It’s also felt that these notices of abnormal findings given to patients in writing may inappropriately alarm the patient who may not be able to understand and properly react to the information. Many reported findings may unduly alarm patients, resulting in severe stress, and may drive them to actions that are inappropriate including demands for unnecessary additional work-ups and studies. As a result, physicians will practice more “defensive medicine”, ordering additional (expensive) tests and driving the cost of healthcare higher and higher.

Pennsylvania is already considered to be a hostile environment in which to practice medicine given the extremely high cost of professional liability insurance and MCARE coverage and the below national averages for reimbursement by payors. Additional, unbudgeted expenses to medical practices make our community even less attractive for young physicians who are completing their training and looking for a great place to live and practice.

Readers, please share your thoughts! The county medical society leadership and staff are working with other stakeholders to address the problems that are quite apparent in this law. We’ll need your support in the coming weeks and months to propose some changes which will be acceptable to all parties.

Contact your state senator and representative – ask them to repeal Act 112!

Use this link to determine who your elected officials are and how to contact them:  https://www.legis.state.pa.us/cfdocs/legis/home/findyourlegislator/

Please let us know if you’d like to add your name to the petition below, or if you wish to assist in getting more signatures. Note - there are already over one hundred signatures of local practicing physicians.
**Petition to Pennsylvania State Legislature, the Pennsylvania Medical Society, and Related Specialty Societies to Take Action on Act 112.**

Whereas, Pennsylvania Act 112 requires that institutions and interpreting physicians take action to notify patients in writing of any serious findings, and

Whereas; It is well recognized that the healthcare provider who orders studies on their patients, and who knows the patient's clinical situation, is the best person to interpret and relate findings to a patient, and

Whereas; Abnormal findings on studies should be interpreted in the context of the patients condition, and

Whereas; The individual reading said studies may have little or no insight into the patient's clinical status or the relevance of significant abnormal findings, and

Whereas; the individual reading said studies likely has no doctor-patient relationship with the patient, makes it inappropriate for him or her to properly communicate findings to the patient, and

Whereas; many studies include findings that the interpreting physician may or may not be able to be determined as to the significance clinically to any given patient, and

Whereas; abnormal findings given to patients in writing may inappropriately alarm a patient who may not be able to appropriately understand and react to said information, and

Whereas; many reported findings may unduly alarm patients, resulting in severe stress, and may drive them to actions that are inappropriate and may drive them to demand unnecessary additional work-ups and studies, and

Whereas; communication in writing with a patient triggered by the physician interpreting a study may establish a defacto doctor-patient relationship resulting in inappropriate responsibilities and liabilities, therefore

Be it resolved that the undersigned hereby request that our Pennsylvania Legislature Repeal Act 112, and ask that they collaborate with our Pennsylvania Medical Society and relevant Specialty Societies to establish communication options that are consistent with appropriate standards of care.