

Notification of Test Results and Referrals



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Missed diagnosis is a top claim received at SVMIC. The tracking and follow-up of ordered lab and diagnostic test results, as well as referred patients, is essential to avoid delays in diagnosis and/or treatment. A patient may fall through the cracks if an abnormal test result is misplaced or is not received or reviewed without taking appropriate action, or when a patient fails to keep a recommended appointment with the referred physician or your practice. Once the physician or provider orders a lab, diagnostic test, radiology study, or referral, they have a legal duty to follow up on the results and communicate them to the patient timely and appropriately.

Practices should be familiar with the general requirements of the HHS ONC Cures Act Final Rule, also known as the ONC Information Blocking Rule. Among other aspects of compliance with the regulation, practices should have documented procedures pertaining to how both in-house and outside diagnostic results are made available to patients and when an exception to access may apply. Medical practices should be mindful that lab, radiology, and other test results may be immediately posted to a patient's EHR and implement a policy requiring prompt review of posted results, as well as personal

communication with any patient with an abnormal/unexpected result, sensitive information, or a result requiring immediate action. The ordering physician or provider may alleviate confusion or misinterpretation by notifying the patient on the front end that they may receive the results prior to the physician/provider's review of the results. Many healthcare provider organizations are under the incorrect assumption or belief that their EHR vendor is taking care of all that needs to be done for the provider to comply with the ONC Information Blocking Rule.

ALL normal and abnormal test results should be communicated to the patient. If your practice uses a portal, instruct the patient to call the office if they have not received the results within the expected time frame. Although instructing the patient to call for test results does not absolve the physician/provider of the duty to inform the patient, it does act as another safety net to ensure that important test results do not get overlooked and is a reasonable means of vesting the patient in their own healthcare. The more layers of redundancy that can be built into a system, the better.

Practices can make use of electronic notification systems such as a designated phone number or patient portal for notification of test results for those patients who have agreed to receive information electronically. However, since it is not reasonable to assume all patients will utilize these modalities, other methods of communication may be required such as a phone call or letter. All abnormal, unexpected, urgent, sensitive and/or test results requiring follow-up should be communicated immediately and directly to the patient by the physician/provider and documented in the patient's record.

As with follow-up for non-adherent patients, the amount of follow-up required to communicate test and other results is not clearly defined. However, there is an expectation that, because the physician/provider has superior medical knowledge and therefore owes a duty to the patient to thoroughly explain the results of the tests and the recommended treatment course, follow-up should be appropriate for the patient's specific condition and potential consequences. **The legal requirement is that the efforts to notify the patient must be reasonable under the circumstances.** The reasonableness of the follow-up effort will depend on the clinical importance of the test results, the severity of the patient's medical condition, and the risk associated with failing to notify the patient of the results.

Additionally, when a patient referred by another provider fails to present for the first appointment to establish care, the referring provider must be notified. As a specialist, you have a duty to make reasonable efforts to contact the patient if their condition is potentially serious or life threatening. All communication to the patient and the referring provider should be documented.

In cases involving abnormal, unexpected, urgent, sensitive and/or test results requiring follow-up, as well as missed referrals, SVMIC recommends the following contact steps:

- 1.) Message placed on the portal with instructions to contact the provider about the test results. (however, with anything other than a normal result, you cannot rely solely on the portal – the portal is an additional method to try to reach the patient).

- 2.) Telephone call during the morning hours.
- 3.) Telephone call during the afternoon hours on a separate day than the earlier call.
- 4.) First Class letter to patient's last known address advising patient to contact provider regarding test results and stress the importance that they follow-up. COPY THE REFERRING PROVIDER / PCP.
- 5.) Certified and First-Class letter to patient's last known address. This letter should advise the patient of the serious consequences if the patient doesn't follow up i.e. "If this cancer is not treated immediately, you could die." COPY THE REFERRING PROVIDER/PCP.
- 6.) In emergent, serious and/or life-threatening situations, contact the patient's Emergency Contact person listed in the practice's paperwork.

All of these efforts should be thoroughly documented. The key is to show that the physician/provider made multiple attempts to contact the patient using different methods.

Should you have any questions or wish to discuss a specific situation, please contact the SVMIC Risk Department or a Claims Attorney.

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