

### ***2.1.5 Reporting Clinical Test Results***

Patients should be able to be confident that they will receive the results of clinical tests in a timely fashion. Physicians have a corresponding obligation to be considerate of patient concerns and anxieties and ensure that patients receive test results within a reasonable timeframe.

When and how clinical test results are conveyed to patients can vary considerably in different practice environments and for different clinical tests. In some instances results are conveyed by the patient's treating physician, in others by other practice staff, or directly by the laboratory or other entity.

To ensure that test results are communicated appropriately to patients, physicians should adopt, or advocate for, policies and procedures to ensure that:

- (a) The patient (or surrogate decision maker if the patient lacks decision-making capacity) is informed about when he or she can reasonably expect to learn the results of clinical tests and how those results will be conveyed.
- (b) The patient/surrogate is instructed what to do if he or she does not receive results in the expected timeframe.
- (c) Test results are conveyed sensitively, in a way that is understandable to the patient/surrogate, and the patient/surrogate receives information needed to make well-considered decisions about medical treatment and give informed consent to future treatment.
- (d) Patient confidentiality is protected regardless of how clinical test results are conveyed.
- (e) The ordering physician is notified before the disclosure takes place and has access to the results as they will be conveyed to the patient/surrogate, if results are to be conveyed directly to the patient/surrogate by a third party.

*AMA Principles of Medical Ethics: II,IV,V*

*Background report(s):*

CEJA Report 3-A-16 Modernized *Code of Medical Ethics*

CEJA Report 12-A-98 Reporting clinical test results: general guidelines

### **2.1.5 Reporting Clinical Test Results**

*Patients should be able to be confident that they will receive the results of clinical tests in a timely fashion.* Physicians have a corresponding obligation to be considerate of patient concerns and anxieties and ensure that patients receive test results within a reasonable timeframe. [new content sets out key ethical values and concerns explicitly]

When and how clinical test results are conveyed to patients can vary considerably in different practice environments and for different clinical tests. *In some instances results are conveyed by the patient's treating physician, in others by other practice staff, or directly by the laboratory or other entity.* [new content updates guidance to address changes in medical practice]

To ensure that test results are communicated appropriately to patients, physicians should adopt, or advocate for, policies and procedures to ensure that:

- (a) The patient (or surrogate decision maker if the patient lacks decision-making capacity) is informed about when he or she can reasonably expect to learn the results of clinical tests and how those results will be conveyed.
- (b) *The patient/surrogate is instructed what to do if he or she does not receive results in the expected timeframe.* [new content updates guidance to address changes in medical practice]
- (c) Test results are conveyed sensitively, in a way that is understandable to the patient/surrogate, and the patient/surrogate receives information needed to make well-considered decisions about medical treatment and give informed consent to future treatment.
- (d) Patient confidentiality is protected regardless of how clinical test results are conveyed.
- (e) *The ordering physician is notified before the disclosure takes place and has access to the results as they will be conveyed to the patient/surrogate, if results are to be conveyed directly to the patient/surrogate by a third party.* [new content updates guidance to address changes in medical practice]

## CEJA Report 12 – A-98 Reporting Clinical Test Results: General Guidelines

### INTRODUCTION

Inquiries from physicians and patients about standards for clinical test result reporting have prompted the Council on Ethical and Judicial Affairs to offer some general guidelines. Physicians may adopt different routines to suit their personal preferences and practice, thereby making a rigid policy impractical. Nonetheless, with the understanding that there may be reasonable variations, certain unchanging safeguards should be in place in order to alleviate any of the patients' attending anxieties, to secure patients' rights, and to facilitate patient-physician communication.

### CONSIDERATIONS FOR REPORTING CLINICAL TEST RESULTS

#### *Patients' Anxieties*

When a physician recommends that a patient undergo clinical tests, the patient's emotions are understandably heightened. The role of the physician as a reassuring presence and a good communicator is important.<sup>1</sup> One study found that "thirty of [the 38 patients included in final evaluation] had pre-test anxiety...Residual anxiety was inversely proportional to post-test understanding."<sup>2</sup> Receiving information helps patients feel in control of decisions about their medical care, less confused and more reassured.<sup>3</sup>

#### *Prompt Reporting*

To alleviate post-test anxiety, physicians should report clinical test results to patients within a reasonable time frame.<sup>4,5</sup> The urgent nature of the test result and the seriousness of the condition should be considered when calculating a reasonable time frame. Physicians should use their best professional judgment when determining what length of time is reasonable for the particular situation at hand. If the physician anticipates delays in receiving back test results, this should be explained to patients at the time of testing (*e.g.*, if a test must be sent away to a distant laboratory, patients should be informed that the test results will take longer to return).

#### *Consistency*

Physicians should adopt a consistent reporting policy that accommodates the demands of their practice while at the same time being considerate of patients' anxieties. For instance, an appropriate reporting policy may consist of the primary care physician calling the patient only if the test result is positive and otherwise sending the test results via the mail in a sealed envelope. Alternatively primary care physicians may adopt a test result reporting policy that consists of always calling the patient to inform him or her of their test results regardless of the status of the results. Further consideration should be given to which steps will be taken if the test results are life-threatening. In all cases, the policy should be consistent and should be disclosed to patients during the clinical encounter so they know what to expect.

When formulating reporting policies, physicians should consider under what circumstances and by whom tests are appropriately reported to the patient. For example, it is common for physicians to seek additional consultation to conduct clinical tests that are essential for accurate diagnosis and treatment. At times, such consultations are marked by differing expectations among the primary care physician, consultants and other providers, such as nurses or residents.<sup>6</sup> For example, some consultants may either choose to or be required to disclose to the patient the results of the tests they conduct. Communication among the care team regarding expectations, such as how to expect test

results to be reported, is essential so that the patient can receive consistent care. Any anticipated inconsistencies should be disclosed to patients as soon as they are discovered.

### *Patient Information and Informed Consent*

Physicians should provide test results in language understandable to the patient and in the manner deemed most appropriate by the physician.<sup>7</sup> Patients have the right to receive information from physicians that is necessary to discuss benefits, risks, and costs of appropriate medical treatment.<sup>8</sup> Patients can effectively exercise their right to self-decision and informed consent only if they possess enough information to enable an intelligent choice.<sup>9</sup> Disclosure of significant information gathered from clinical tests is necessary in order for the patient to fully explore treatment options. The Council on Ethical and Judicial Affairs' Opinion E-8.12, "Patient Information," states, in part, "Only through full disclosure is a patient able to make informed decisions regarding future medical care."<sup>10</sup>

### *Confidentiality*

Medical records are confidential documents. The information included in the medical record should not be shared with third parties without the patient's prior written consent.<sup>11</sup> Test results fall under this confidentiality protection because they will ultimately become part of the information contained in the patient's medical record. When physicians report test results they should be mindful of methods that might make the test results accessible to third parties. All appropriate precautions should be taken to ensure the confidentiality of test results when reporting them to the patient. Such precautions may include, but are not limited to, not leaving test results on an answering machine, on voice mail or with a third party unless previously given permission to do so by the patient, not delivering test results via electronic mail, and not sending test results through the mail in any form other than a sealed envelope.

## RECOMMENDATIONS

The Council recommends adoption of the following general guidelines and that the remainder of this report be filed:

1. To alleviate patients' anxieties, physicians should report clinical test results to patients within a reasonable time frame. Since many variables contribute to the urgency of a particular situation, physicians should use their best professional judgment when determining what length of time is reasonable for the particular situation at hand. Anticipated delays should be explained to patients at the time of testing.
2. Physicians should adopt a consistent reporting policy that accommodates the demands of their practice while at the same time being considerate of patients' anxieties. The reporting policy should be disclosed to patients during the clinical encounter when tests are administered so patients know what to expect. Reporting policies should take into consideration under what circumstances and by whom tests are appropriately reported to the patient. Any anticipated inconsistencies should be disclosed to patients as soon as they are discovered.
3. Physicians should provide test results in language understandable to the patient and in the manner deemed most appropriate by the physician. Any information gathered from test results that would be necessary for patients to make intelligent medical decisions and give informed consent on future medical treatments must be disclosed to them.

4. Physicians should take all appropriate precautions to ensure the confidentiality of test results. Such precautions may include, but are not limited to, not leaving test results on an answering machine, on voice mail or with a third party unless previously given permission to do so by the patient, not delivering test results via electronic mail, and not sending test results through the mail in any form other than a sealed envelope.

## REFERENCES

1. Reiser DE, and Rosen DH. *Medicine as a Human Experience*. Maryland: Aspen Systems Corporation Publication. 1984. p. 28, 83, 104-5.
2. Levine MJ. Patient reassurance when test results are normal. *J Fam Pract*. 1996;43:440-441.
3. Kavanagh AM, Broom DH. Women's understanding of abnormal cervical smear test results: a qualitative interview study. *BMJ*. 1997; 314: 1388-1391.
4. Council on Ethical and Judicial Affairs, American Medical Association. Fundamental Elements of the Patient-Physician Relationship. Principle III states, in part, "The patient has the right to...timely attention to his or her needs." *Code of Medical Ethics* 1996-97. p. xxxix.
5. The California Health and Safety Code § 123 148 (1997): Report to patient of results of clinical laboratory test. "The test result...shall be reported to the patient within a reasonable time period after the test results are received at the offices of the health care professional who requested the test."
6. Stoeckle JD et al. A Manual on Manners and Courtesies for the Shared Care of Patients. *J Clinical Ethics* 1997 Spring; 8(1): 15-26.
7. This provision is recommended in accordance with the California Health and Safety Code § 123 148 (1997): Report to patient of results of clinical laboratory test. "Notwithstanding any other provision of law, a health care professional at whose request a test is performed shall, upon a written or oral request of a patient who is the subject of a clinical laboratory test, provide the patient with the results of the test in plain language conveyed in the manner deemed most appropriate by the health care professional who requested the test. The test result...shall be reported to the patient within a reasonable time period after the test results are received at the offices of the health care professional who requested the test."
8. Council on Ethical and Judicial Affairs, American Medical Association. Fundamental Elements of the Patient-Physician Relationship. *Code of Medical Ethics* 1996-97. p. xxxix.
9. Council on Ethical and Judicial Affairs, American Medical Association. Opinion 8.08, "Informed Consent." *Code of Medical Ethics* 1996-97. p. 120.
10. Council on Ethical and Judicial Affairs, American Medical Association. Opinion 8.12, "Patient Information." *Code of Medical Ethics* 1996-97. p. 125.
11. Council on Ethical and Judicial Affairs, American Medical Association. Opinion 7.02, "Records of Physicians: Information and Patients," makes this claim while allowing for the exception that confidentiality can be breached if required by law or to protect the welfare of the individual or the community. This exception is spelled out more clearly in Opinion 5.05, "Confidentiality." *Code of Medical Ethics* 1996-97. p. 77, 101.