

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1575

5 By: Representative L. Smith
6
7

For An Act To Be Entitled

9 AN ACT TO PROSCRIBE UNPROFESSIONAL CONDUCT BY
10 PHYSICIANS WITH REGARD TO ANATOMIC PATHOLOGY
11 SERVICES; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO PROSCRIBE UNPROFESSIONAL
15 CONDUCT BY PHYSICIANS WITH REGARD TO
16 ANATOMIC PATHOLOGY SERVICES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 4 is amended
22 to add an additional section to read as follows:

23 17-95-413. Unprofessional conduct -- Anatomic pathology service.

24 (1)(A) For purposes of this section "anatomic pathology service"

25 means:

26 (i) Blood-banking services performed by a
27 pathologist

28 (ii) Cytopathology;

29 (iii) Hematology;

30 (iv) Histopathology; and

31 (v) Subcellular pathology and molecular pathology.

32 (B) "Anatomic pathology service" does not include the
33 initial collection or packaging of the specimen for transport;

34 (2) "Cytopathology" means the microscopic examination of cells
35 from the following:

36 (A) Aspirates;



1 (B) Brushing;

2 (C) Fluids;

3 (D) Smears, including the Pap test examination performed
4 by a physician or under the supervision of a physician; and

5 (E) Washings;

6 (3) "Health care benefit program" means any public or private
7 plan or contract under which any medical benefit item or service is provided
8 to any individual.

9 (4) "Hematology" means the microscopic evaluation of bone marrow
10 aspirates and biopsies performed by a physician or under the supervision of a
11 physician and peripheral blood smears when the attending or treating
12 physician or technologist requests that a blood smear be reviewed by the
13 pathologist; and

14 (5) "Histopathology" means the gross and microscopic examination
15 and histologic processing of organ tissue performed by a physician or under
16 the supervision of a physician.

17 (b)(1) A physician commits an act of unprofessional conduct if he or
18 she:

19 (A) Orders an anatomic pathology service for a patient;
20 and does not supervise or perform a component of the service; and

21 (B) Fails to disclose in any bill or separate statement
22 for an anatomic pathology service presented to the patient, insurer, or other
23 third-party payor:

24 (i) The name and address of the physician or
25 laboratory that provided the anatomic pathology service; and

26 (ii) The actual amount paid or to be paid for each
27 anatomic pathology service provided to the patient by the physician or
28 laboratory that performed the service.

29 (2) This subsection (b) does not apply if the anatomic pathology
30 service is ordered on behalf of the patient by a hospital, a public health
31 clinic, a state or federal agency, or an agent of a state or federal agency.

32 (c) If a patient is not covered by a health care benefit program for
33 anatomic pathology service, a physician commits an act of unprofessional
34 conduct if he or she submits to the patient an amount in excess of the amount
35 required to be disclosed under subdivision (b)(1)(ii) of this section.

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