

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 86th General Assembly
3 Regular Session, 2007
4
5 By: Representative Key
6
7

A Bill

HOUSE BILL 2563

For An Act To Be Entitled

9 AN ACT SPECIFYING THE ENTITIES TO WHICH A BILL OR
10 DEMAND FOR PAYMENT FOR ANATOMIC PATHOLOGY
11 SERVICES MAY BE PRESENTED; PROHIBITING A
12 PHYSICIAN OR PRACTITIONER OF THE HEALING ARTS
13 FROM BILLING FOR ANATOMIC PATHOLOGY SERVICES
14 UNLESS THOSE SERVICES WERE PROVIDED BY THE
15 PHYSICIAN OR OTHER PRACTITIONER; SPECIFYING
16 ENTITIES NOT REQUIRED TO REIMBURSE FOR CERTAIN
17 ANATOMIC PATHOLOGY SERVICES; PROVIDING
18 EXEMPTIONS; PROVIDING A REMEDY FOR VIOLATIONS;
19 PROVIDING DEFINITIONS; AND FOR OTHER PURPOSES.

Subtitle

21 AN ACT SPECIFYING THE ENTITIES TO WHICH
22 A BILL OR DEMAND FOR PAYMENT FOR
23 ANATOMIC PATHOLOGY SERVICES MAY BE
24 PRESENTED.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code Title 17, Chapter 80 is amended to add an
31 additional subchapter read as follows:

32 17-80-301. Definitions.

33 As used in this subchapter:

34 (1) "Anatomic pathology services" means:

35 (A) The technical and professional components of
36 histopathology or surgical pathology, including without limitation the gross



1 examination of, histologic processing of, or microscopic examination of human
 2 organ tissue performed by a physician or under the supervision of a
 3 physician;

4 (B) The technical and professional components of
 5 cytopathology services, including without limitation the examination of human
 6 cells from fluids, aspirates, washings, brushings, or smears, including
 7 without limitation the pap test examination performed by a physician or under
 8 the supervision of a physician;

9 (C) The technical and professional components of
 10 hematology, including without limitation the microscopic evaluation of human
 11 bone marrow aspirates and biopsies performed by a physician or under the
 12 supervision of a physician and peripheral human blood smears when the
 13 attending or treating physician or a practitioner of the healing arts or a
 14 technologist requests that a blood smear be performed and reviewed by a
 15 pathologist; or

16 (D) Blood bank services performed by a pathologist;

17 (2) "Clinical pathology services" means laboratory services
 18 other than anatomic pathology services;

19 (3) "Health care facility" means a facility for furnishing
 20 physical or mental health care, including without limitation:

21 (A) A hospital, another facility for the diagnosis and
 22 treatment of any illness or disease, an office or clinic of a doctor of
 23 medicine, a dentist, an optometrist, a podiatrist, a chiropractor and related
 24 facilities, and a nursing home and related facilities;

25 (B) A long-term care or life-care facility for the elderly
 26 or disabled, including without limitation a facility used to furnish
 27 emergency medical health care and emergency medical services and an ambulance
 28 or a vehicle specifically designed, equipped, and licensed for transporting
 29 the sick or injured;

30 (4) "Insurer" includes any health insurance corporation, medical
 31 services corporation, health maintenance organization, or fraternal benefit
 32 society;

33 (5)(A) "Laboratory" means a facility for the biological,
 34 microbiological, serological, chemical, immunohematological, hematological,
 35 biophysical, cytological, pathological, or other examination of materials
 36 derived from the human body for the purpose of providing information for the

1 diagnosis, prevention, or treatment of any disease or impairment of human
2 beings, or the assessment of the health of human beings;

3 (6) "Physician" means a licensee of the Arkansas State Medical
4 Board; and

5 (7)(A) "Practitioner of the healing arts" means a licensee of a
6 healing arts board or commission of the State of Arkansas.

7 (B) "Practitioner of the healing arts" does not include a
8 physician.

9
10 17-80-302. Direct billing for anatomic pathology services.

11 (a) A laboratory, a physician, or a practitioner of the healing arts
12 prerforming technical anatomic pathology services for a patient or
13 professional anatomic pathology services for a patient, or both, may present
14 a bill or demand for payment for such services only to the following
15 entities:

16 (1) The patient;

17 (2) The patient's insurer or other third-party payor;

18 (3) The health care facility ordering the services;

19 (4) A referring laboratory other than an anatomic pathology
20 laboratory in which the patient's attending or ordering physician or a
21 practitioner of the healing arts has a financial interest; or

22 (5) A state or federal agency, or the agent of a state or
23 federal agency on behalf of the patient.

24 (b) Except as provided in subsection (e) of this section, a physician
25 or a practitioner of the healing arts shall not directly or indirectly bill
26 or charge for or solicit payment for technical anatomic pathology services or
27 professional anatomic pathology services, or both, unless those services were
28 provided:

29 (1) Personally by the physician or a practitioner of the healing
30 arts; or

31 (2) Under the direct supervision of a physician who was
32 providing that supervision for the preparation of biological products under
33 42 U.S.C § 263a, as it existed on January 1, 2007.

34 (c) The following individuals and entities are not required to
35 reimburse a laboratory, a physician, or a practitioner of the healing arts
36 for a bill or charge made in violation of this section:

