

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.

INTERIM STUDY PROPOSAL 2007-077

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 2563

By: Representative Key

Referred to
Public Health, Welfare And Labor Committee- House
by the House of Representatives
on 03/27/2007

For An Act To Be Entitled

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

Subtitle

AN ACT SPECIFYING THE ENTITIES TO WHICH A BILL OR DEMAND FOR PAYMENT FOR ANATOMIC PATHOLOGY SERVICES MAY BE PRESENTED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, Chapter 80 is amended to add an additional subchapter read as follows:

1 17-80-301. Definitions.

2 As used in this subchapter:

3 (1) "Anatomic pathology services" means:

4 (A) The technical and professional components of
5 histopathology or surgical pathology, including without limitation the gross
6 examination of, histologic processing of, or microscopic examination of human
7 organ tissue performed by a physician or under the supervision of a
8 physician;

9 (B) The technical and professional components of
10 cytopathology services, including without limitation the examination of human
11 cells from fluids, aspirates, washings, brushings, or smears, including
12 without limitation the pap test examination performed by a physician or under
13 the supervision of a physician;

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

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

22 (2) "Clinical pathology services" means laboratory services
23 other than anatomic pathology services;

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

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

30 (B) A long-term care or life-care facility for the elderly
31 or disabled, including without limitation a facility used to furnish
32 emergency medical health care and emergency medical services and an ambulance
33 or a vehicle specifically designed, equipped, and licensed for transporting
34 the sick or injured;

35 (4) "Insurer" includes any health insurance corporation, medical
36 services corporation, health maintenance organization, or fraternal benefit

1 society;

2 (5)(A) "Laboratory" means a facility for the biological,
3 microbiological, serological, chemical, immunohematological, hematological,
4 biophysical, cytological, pathological, or other examination of materials
5 derived from the human body for the purpose of providing information for the
6 diagnosis, prevention, or treatment of any disease or impairment of human
7 beings, or the assessment of the health of human beings;

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

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

12 (B) "Practitioner of the healing arts" does not include a
13 physician.

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15 17-80-302. Direct billing for anatomic pathology services.

16 (a) A laboratory, a physician, or a practitioner of the healing arts
17 performing technical anatomic pathology services for a patient or
18 professional anatomic pathology services for a patient, or both, may present
19 a bill or demand for payment for such services only to the following
20 entities:

21 (1) The patient;

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

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

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

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

29 (b) Except as provided in subsection (e) of this section, a physician
30 or a practitioner of the healing arts shall not directly or indirectly bill
31 or charge for or solicit payment for technical anatomic pathology services or
32 professional anatomic pathology services, or both, unless those services were
33 provided:

34 (1) Personally by the physician or a practitioner of the healing
35 arts; or

36 (2) Under the direct supervision of a physician who was

1 providing that supervision for the preparation of biological products under
2 42 U.S.C § 263a, as it existed on January 1, 2007.

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

- 6 (1) A patient;
- 7 (2) An insurer;
- 8 (3) A health care facility; or
- 9 (4) Another third-party payor.

10 (d) This section does not require an assignment of benefits for
11 anatomic pathology services.

12 (e)(1) Except as provided in subdivision (e)(2) of this section,
13 laboratories may bill between themselves for anatomic pathology services in
14 instances requiring that a specimen be sent to another laboratory for
15 technical processing or professional interpretation, or both.

16 (2) Billing between laboratories in which the patient's
17 attending or ordering physician or practitioner of the healing arts has a
18 financial interest is prohibited.

19 (f) A laboratory, a physician, or a practitioner of the healing arts
20 that is providing technical anatomic pathology services or professional
21 anatomic pathology services, or both, for a patient may present a bill or
22 demand for payment for those services or may present separate bills or
23 demands for payment to a payor.

24 (g) The licensing entity for a physician or for a practitioner of the
25 healing arts may revoke, suspend, or refuse to renew the license of a
26 physician or other practitioner of the healing arts who violates a provision
27 of this subchapter.

28 (h) This section does not apply to clinical pathology services.

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