

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 817

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Offered April 21, 2008.

Senate Substitute adopted, April 21, 2008.

Taken up for Perfection April 21, 2008. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

3320S.05P

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.890, to read as follows:

191.890. 1. For purposes of this section, the term "anatomic pathology services" means:

(1) "Histopathology" or "surgical pathology", the gross and microscopic examination and histologic processing of organ tissue performed by a physician or under the supervision of a physician;

(2) "Cytopathology", the microscopic examination of cells, from fluids, aspirates, washings, brushings, or smears, including the Pap test examination performed by a physician or under the supervision of a physician;

(3) "Hematology", the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician or under the supervision of a licensed physician, and peripheral blood smears when the attending or treating physician or technologist requests that a blood smear be reviewed by a pathologist;

(4) Subcellular pathology and molecular pathology; and

(5) Blood-banking services performed by pathologists.

2. As used in this section, "health care benefit program" means

18 any public or private plan or contract under which any medical benefit,
19 item, or service is provided to any individual.

20 3. As used this section, "referring laboratory" does not include a
21 laboratory of a physician's office or group practice that does not
22 perform the professional component of the anatomic pathology service
23 involved.

24 4. Except as provided under subsection 6 of this section, no
25 licensed health care professional in the state shall, directly or
26 indirectly, charge, bill, or otherwise solicit payment for anatomic
27 pathology services unless such services were rendered personally by
28 the licensed health care professional or under the licensed health care
29 professional's direct supervision in accordance with Section 353 of the
30 Public Health Service Act, 42 U.S.C. 263a.

31 5. No patient, insurer, third-party payor, hospital, public health
32 clinic, or nonprofit health clinic shall be required to reimburse any
33 licensed health care professional for charges or claims submitted in
34 violation of this section.

35 6. The provisions of this section do not prohibit the billing of
36 anatomic pathology services:

37 (1) To a referring laboratory, or by a referring laboratory, in
38 instances where a sample or samples must be sent to another specialist;

39 (2) By a hospital, public health clinic, or non-profit health clinic;

40 (3) To a referring physician, or by a referring physician, who has
41 provided written confirmation to the physician or laboratory providing
42 the anatomic pathology service that the patient is not covered under a
43 health care benefit program;

44 (4) By any governmental agency or their specified public or
45 private agent.

46 7. Any referring physician billing a patient not covered by a
47 health care benefit program for anatomic pathology services shall
48 disclose in the bill to the patient:

49 (1) The name and address of the physician or laboratory
50 providing the anatomic pathology service for the patient; and

51 (2) The net amount or amounts paid or to be paid to the
52 physician or laboratory for each anatomic pathology service provided
53 for the patient.

54 8. Any referring physician billing a patient not covered by a

55 health care benefit program for anatomic pathology services shall not
56 markup, or charge a commission, or make a profit on, or directly or
57 indirectly increase, the amount subject to disclosure under subdivision
58 (2) of subsection 7 of this section.

59 9. The respective state licensing boards having jurisdiction over
60 any health care professional who may request or provide anatomic
61 pathology services may revoke, suspend, or deny renewal of the license
62 of any health care professional who violates the provisions of this
63 section.

64 10. Nothing in this section shall be construed to:

65 (1) Prohibit a referring physician from sending a patient's
66 specimen to any laboratory providing anatomic pathology services;

67 (2) Mandate the billing of any patient not covered under a health
68 care benefit program.

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Bill

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