

By: Thompson

H.B. No. 3395

A BILL TO BE ENTITLED

AN ACT

relating to the billing and reassignment of the professional component of diagnostic imaging services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. SECTION 1. Subtitle A, Title 3, Occupations Code, is amended by adding Chapter 114 to read as follows:

CHAPTER 114. DIRECT BILLING OF DIAGNOSTIC IMAGING SERVICES

Sec. 114.001. DEFINITIONS. In this chapter:

(1) "Diagnostic imaging services" means magnetic resonance imaging, computed tomography, positron emission tomography, and any hybrid technologies combining any of these or other imaging modalities.

(2) "Professional component of diagnostic imaging services" means the component of a medical imaging procedure that involves an interpretation to be performed by a health care provider, such as the interpretation of a radiograph or the images produced by diagnostic imaging services, and includes valuation for the physician work, practice expense, and medical liability associated with the interpretation of a diagnostic imaging service.

(3) "Patient" means a person who receives a physical examination, evaluation, diagnosis, or treatment by a health care provider.

(4) "Health care provider" means any person licensed as a health care professional or authorized to practice in health care

1 under Subtitles B and C, Title 3.

2 (5) "Imaging center" means any facility or office other than
3 a hospital that performs a diagnostic imaging service.

4 (6) "Licensing authority" means the department, board,
5 office, or other agency of the state that regulates a health care
6 provider who is subject to this chapter.

7 (7) "Professional interpretation of a diagnostic image"
8 means the official interpretation documented by written report that
9 is attached to a patient's permanent record and signed by the
10 physician rendering the interpretation.

11 (8) "Referral" means a request or order by a health care
12 provider for diagnostic imaging services for a patient.

13 (9) "Single specialty physician group" means a physician
14 group practice that receives at least seventy-five percent of its
15 revenues in any consecutive twelve-month period from members of the
16 group who belong to a single medical specialty.

17 (10) "Technical component of diagnostic imaging services"
18 means the component of a medical imaging procedure that involves
19 the actual taking or performance of the diagnostic imaging service.

20 Section 114.002. DIRECT BILLING OF DIAGNOSTIC IMAGING
21 SERVICES. (a) A health care provider, located in this state or in
22 another state, providing the professional component of diagnostic
23 imaging services for a patient in this state shall present or cause
24 to be presented a claim, bill or demand for payment for those
25 services only to the following:

26 (1) The patient directly;

27 (2) The responsible insurer or other third party payor

1 for the patient;

2 (3) A public health clinic or non-profit health clinic
3 ordering such services when such clinic is exempt from federal
4 income tax and is organized and operated under Section 501 of the
5 Internal Revenue Code; or

6 (4) A governmental agency and/or its specified public
7 or private agent, agency or organization on behalf of the recipient
8 of the services.

9 (b) No health care provider shall, directly or indirectly,
10 charge, bill, or otherwise solicit payment for the professional
11 interpretation of a diagnostic image unless such service was
12 rendered personally by the health care provider.

13 (c) An imaging center or hospital shall present or cause to
14 be presented a claim, bill, or demand for payment for diagnostic
15 imaging services only if such claim, bill or demand for payment is
16 limited to the technical component of the diagnostic imaging
17 service.

18 (d) A health care provider who is a member of a single
19 specialty physician group that generates diagnostic images and who
20 orders a professional interpretation of those diagnostic images for
21 a patient shall not, directly or indirectly, receive any
22 professional fee, profit or revenue in payment for such
23 professional interpretation if the health care provider does not
24 personally perform the professional interpretation of the images
25 for such patient.

26 (e) No patient, insurer, third party payor, hospital,
27 public health clinic, or non-profit health clinic shall be required

1 to reimburse any health care provider for charges or claims
2 submitted in violation of this section.

3 Section 114.003. DISCIPLINARY ACTION. A licensing authority
4 having jurisdiction over any health care provider who may request
5 or provide diagnostic imaging services may revoke, suspend or deny
6 the renewal of the license of any health care provider who violates
7 the provisions of this chapter.

8 SECTION 2. Section 114.002, Occupations Code, as added by
9 this Act, applies only to conduct that occurs on or after the
10 effective date of this Act. Conduct that occurs before the
11 effective date of this Act is governed by the law as it existed
12 immediately before the effective date of this Act, and that law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2007.