

A BILL TO BE ENTITLED

AN ACT

relating to the billing of anatomic pathology services; providing penalties.

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

SECTION 1. Subtitle B, Title 3, Occupations Code, is amended by adding Chapter 166 to read as follows:

CHAPTER 166. BILLING OF ANATOMIC PATHOLOGY SERVICES

Sec. 166.001. DEFINITION. In this chapter, "anatomic pathology services" means:

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

(2) cytopathology, which is the microscopic examination of cells from the following:

(A) fluids;

(B) aspirates;

(C) washings;

(D) brushings; or

(E) smears, including a Pap smear, performed by a physician or under the supervision of a physician;

(3) hematology, which is the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician, or under the supervision of a physician, and peripheral blood smears

1 when the attending or treating physician or technologist requests  
2 that a blood smear be reviewed by a pathologist;

3 (4) sub-cellular pathology and molecular pathology;  
4 or

5 (5) a blood-banking service performed by a  
6 pathologist.

7 Sec. 166.002. ANATOMIC PATHOLOGY BILLING. Notwithstanding  
8 any other law, a person, including a physician and an entity,  
9 violates this subtitle and is subject to disciplinary action and  
10 penalties under this subtitle if the person:

11 (1) does not directly supervise or perform anatomic  
12 pathology services for a patient; and

13 (2) fails to disclose in the bill presented by the  
14 person to the patient or the insurer or other third party payor, or  
15 in an itemized statement to the patient:

16 (A) the name and address of the physician or  
17 laboratory that provided the anatomic pathology services; and

18 (B) the net amount paid or to be paid for each  
19 anatomic pathology service provided to the patient by the physician  
20 or laboratory.

21 SECTION 2. Chapter 166, Occupations Code, as added by this  
22 Act, applies only to anatomic pathology services performed on or  
23 after the effective date of this Act.

24 SECTION 3. The Texas Medical Board may adopt rules  
25 necessary to implement Chapter 166, Occupations Code, as added by  
26 this Act.

27 SECTION 4. This Act takes effect September 1, 2007.