

By: Duncan

S.B. No. 1832

A BILL TO BE ENTITLED

AN ACT

relating to the billing and reimbursement of anatomic pathology services.

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

SECTION 1. The heading to Subtitle I, Title 2, Health and Safety Code, is amended to read as follows:

SUBTITLE I. MEDICAL RECORDS AND BILLING

SECTION 2. Subtitle I, Title 2, Health and Safety Code, is amended by adding Chapter 182 to read as follows:

CHAPTER 182. BILLING OF ANATOMIC PATHOLOGY SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 182.001. DEFINITIONS. In this chapter:

(1) "Anatomic pathology services" means:

(A) 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;

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

(i) fluids;

(ii) aspirates;

(iii) washings;

(iv) brushings; or

(v) smears, including a Pap smear,

1 performed by a physician or under the supervision of a physician;

2 (C) hematology, which is the microscopic  
3 evaluation of bone marrow aspirates and biopsies performed by a  
4 physician, or under the supervision of a physician, and peripheral  
5 blood smears when the attending or treating physician or  
6 technologist requests that a blood smear be reviewed by a  
7 pathologist;

8 (D) sub-cellular pathology and molecular  
9 pathology; or

10 (E) a blood-banking service performed by a  
11 pathologist.

12 (2) "Clinical laboratory" means a facility for the  
13 biological, microbiological, serological, chemical,  
14 immuno-hematological, hematological, biophysical, cytological,  
15 pathological, or other examination of materials derived from the  
16 human body to provide information for:

17 (A) the diagnosis, prevention, or treatment of a  
18 disease or any impairment of the health of human beings; or

19 (B) the assessment of the health of human beings.

20 (3) "Licensed practitioner" means a health care  
21 professional who is licensed in this state, including a physician,  
22 dentist, advanced practice nurse, and physician assistant, and who  
23 orders or performs anatomic pathology services within the scope of  
24 the practitioner's practice.

25 (4) "Physician" includes a surgeon and an osteopath.

26 (5) "Referring laboratory," with respect to the  
27 referral of anatomic pathology services, does not include a

1 laboratory of a physician's office or group practice that collects  
2 a specimen and orders anatomic pathology services for a patient.

3 Sec. 182.002. RULES. The appropriate regulatory agency of  
4 this state that issues a license or certificate to a licensed  
5 practitioner may adopt the rules necessary to implement this  
6 chapter.

7 [Sections 182.003-182.050 reserved for expansion]

8 SUBCHAPTER B. FEES OR CLAIMS FOR SERVICES

9 Sec. 182.051. LIMITATIONS ON BILLING SERVICES. (a) A  
10 clinical laboratory or physician who provides anatomic pathology  
11 services for a patient in this state may present or cause to be  
12 presented a bill or demand for payment for the services provided by  
13 the laboratory or physician only to:

14 (1) the patient directly;

15 (2) the responsible insurer or to another third-party  
16 payor;

17 (3) a public health clinic or nonprofit health clinic  
18 that ordered the services;

19 (4) the referring laboratory;

20 (5) a governmental agency or the agency's designated  
21 agent, on behalf of the patient; or

22 (6) a hospital if the bill or demand for payment is  
23 limited to the technical component of the services.

24 (b) In this section, "nonprofit health clinic" means a  
25 clinic that is exempt from federal income tax under Section 501(a),  
26 Internal Revenue Code of 1986, by being listed as an exempt  
27 organization in Section 501(c)(3) or 501(c)(4) of that code and

1 that is organized and operated for the purpose of providing free or  
2 reduced cost health care.

3 Sec. 182.052. BILLING FOR SERVICES NOT PERFORMED OR  
4 SUPERVISED PROHIBITED. Except as provided by Section 182.053 and  
5 subject to Section 182.051, a licensed practitioner may not  
6 directly or indirectly charge, bill, or otherwise solicit payment  
7 for anatomic pathology services unless the services were performed  
8 personally by the licensed practitioner or under the licensed  
9 practitioner's direct supervision in accordance with Section 353,  
10 Public Health Service Act (42 U.S.C. Section 263a).

11 Sec. 182.053. REIMBURSEMENT; ASSIGNMENT OF BENEFITS. (a)  
12 A patient, insurer, third-party payor, hospital, public health  
13 clinic, or nonprofit health clinic may not be required to reimburse  
14 a licensed practitioner or clinical laboratory for a charge, bill,  
15 or demand for payment made or submitted in violation of this  
16 chapter.

17 (b) Nothing in this chapter requires an assignment of  
18 benefits for anatomic pathology services.

19 Sec. 182.054. BILLING OF REFERRING LABORATORY. This  
20 chapter does not prohibit billing a referring laboratory for  
21 anatomic pathology services in circumstances in which a specimen  
22 must be sent to another specialist.

23 [Sections 182.055-182.100 reserved for expansion]

24 SUBCHAPTER C. ENFORCEMENT

25 Sec. 182.101. DISCIPLINARY ACTION. A licensed practitioner  
26 who violates this chapter or a rule adopted under this chapter by  
27 the appropriate regulatory agency of this state is subject to

1 disciplinary action by the agency under applicable law, including  
2 revocation, suspension, or nonrenewal of the practitioner's  
3 license.

4 SECTION 3. Section 161.061, Health and Safety Code, is  
5 amended by adding Subsection (c) to read as follows:

6 (c) An agreement described by this section must comply with  
7 Chapter 182, if applicable.

8 SECTION 4. Chapter 182, Health and Safety Code, as added by  
9 this Act, applies only to anatomic pathology services performed on  
10 or after the effective date of this Act.

11 SECTION 5. The appropriate regulatory agencies of this  
12 state may adopt rules necessary to implement Chapter 182, Health  
13 and Safety Code, as added by this Act.

14 SECTION 6. This Act takes effect September 1, 2007.