

SECOND REGULAR SESSION

HOUSE BILL NO. 1990

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILSON (130) (Sponsor), GRILL, SANDER, RUESTMAN,
MOORE AND FUNDERBURK (Co-sponsors).

Read 1st time February 5, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4574L.02I

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
2 known as section 191.890, to read as follows:

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

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

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

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

13 **(4) Subcellular pathology and molecular pathology; and**

14 **(5) Blood-banking services performed by pathologists.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **2. Except as provided under subsection 5 of this section, no licensed health care**
16 **professional in the state shall, directly or indirectly, charge, bill, or otherwise solicit**
17 **payment for anatomic pathology services unless such services were rendered personally by**
18 **the licensed health care professional or under the licensed health care professional's direct**
19 **supervision in accordance with Section 353 of the Public Health Service Act, 42 U.S.C.**
20 **263a.**

21 **3. No patient, insurer, third-party payor, hospital, public health clinic, or nonprofit**
22 **health clinic shall be required to reimburse any licensed health care professional for**
23 **charges or claims submitted in violation of this section.**

24 **4. Nothing in this section shall be construed to mandate the assignment of benefits**
25 **for anatomic pathology services as defined in this section.**

26 **5. The provisions of this section do not prohibit billing of a referring laboratory for**
27 **anatomic pathology services in instances where a sample or samples must be sent to**
28 **another specialist, except that for purposes of this subsection, the term "referring**
29 **laboratory" does not include a laboratory of a physician's office or group practice that**
30 **does not perform the technical or professional component of the anatomic pathology**
31 **service involved.**

32 **6. The respective state licensing boards having jurisdiction over any health care**
33 **professional who may request or provide anatomic pathology services may revoke,**
34 **suspend, or deny renewal of the license of any health care professional who violates the**
35 **provisions of this section.**

36 **7. Nothing in this section shall be construed to prohibit a referring physician from:**

37 **(1) Sending a patient's specimen to any laboratory providing anatomic pathology**
38 **services; or**

39 **(2) Communicating with a laboratory regarding the economic hardship or financial**
40 **status of any patient.**

41 **8. A clinical laboratory or physician, located in this state, or in another state,**
42 **providing anatomic pathology services for patients in this state, shall present or cause to**
43 **be presented a claim, bill, or demand for payment for these services only to the following:**

44 **(1) The patient directly;**

45 **(2) The responsible insurer or other third-party payor;**

46 **(3) The hospital, public health clinic, or nonprofit health clinic ordering such**
47 **services;**

48 **(4) The referring laboratory, other than a laboratory of a physician's office or**
49 **group practice that does not perform the professional component of the anatomic**
50 **pathology service;**

51 **(5) Governmental agencies or their specified public or private agent, agency, or**
52 **organization on behalf of the recipient of the services.**

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