

SECOND REGULAR SESSION

HOUSE BILL NO. 1627

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES AVERY (Sponsor) AND YATES (Co-sponsor).

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4918L.01I

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. As used in this section, the following terms mean:

2 **(1) "Anatomic pathology services", histopathology or surgical pathology,**
3 **cytopathology, hermatology, subcellular pathology and molecular pathology, blood**
4 **banking services performed by pathologists, and clinical laboratory services;**

5 **(2) "Clinical laboratory", a laboratory for the biological, microbiological,**
6 **immunological, chemical, immunohaematological, haemotological, biophysical, cytological,**
7 **pathological, or other examination of materials derived from the human body for the**
8 **purpose of providing information for the diagnosis, prevention, and treatment of disease**
9 **in or the assessment of the health of human beings, and which may provide a consultant**
10 **advisory service covering all aspects of laboratory investigation, including the**
11 **interpretation of results and advice on further appropriate investigation;**

12 **(3) "Cytopathology", the examination of cells from fluids, spirates, washings,**
13 **brushings, or smears, including the Pap test examination performed by a physician or**
14 **under the supervision of a physician;**

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

19 (5) "Histopathology" or "surgical pathology", the gross and microscopic
20 examination and histologic processing of organ tissue performed by a physician or under
21 the supervision of a physician.

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

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

30 4. Nothing in this section shall be construed as mandating the assignment of
31 benefits for anatomic pathology services.

32 5. Nothing in this section shall prohibit billing of a referring laboratory for
33 anatomic pathology services when a sample or samples must be sent to another specialist;
34 except that, for purposes of this subsection, "referring laboratory" does not include a
35 laboratory or a physician's office or group practice that does not perform the technical or
36 professional component of the anatomic pathology service involved.

37 6. The respective state licensing boards having jurisdiction over any licensed health
38 care professional who may request or provide anatomical pathology services may revoke,
39 suspend, or deny renewal of the license of any health care professional who violates the
40 provisions of this section.

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