

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1870

By: Johnson (Constance) of
the Senate

and

Sullivan of the House

(professions and occupations - billing practices -

codification -

effective date)

AUTHOR: Add the following House Coauthor: Shelton

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

“(professions and occupations - billing practices -

effective date)

SECTION 1. AMENDATORY 59 O.S. 2001, Section 725.4, is
amended to read as follows:

Section 725.4 A. 1. Any health or mental health care
professional ~~or~~, health care provider, or physician licensed to
practice medicine, who refers patients or clients, or patient
specimens, to a testing center or laboratory shall, when billing a
patient for anatomic pathology services, provide written disclosure
to ~~such~~ the patient or client or the guardian, insurer, or third-
party payor of ~~such~~ the patient or client, of the following:

- a. any financial interest of the professional or provider
in the center or laboratory ~~or~~,

- b. any remuneration received by the professional or provider for referrals to the center or laboratory,
and
- c. the name and address of the center or laboratory and the net amount or amounts paid to the facility for each anatomic pathology service billed with respect to the patient.

~~Provided, however, that disclosure~~ 2. Disclosure shall not be required where:

~~1. The~~

- a. the testing center or laboratory is an extension of or ancillary to the practice of the health or mental health care professional's or professional, the health care provider's practice; provider, or the ordering physician,

~~2. The~~

- b. the testing center or laboratory is not a separate business entity and ~~is not billed~~ does not bill as a separate entity, and

~~3. The~~

- c. the health or mental health care professional ~~or,~~ the health care provider, or the ordering physician provides for and supervises the performance of anatomic pathology services at the facility.

B. Any health or mental health care professional, health care provider, or physician licensed to practice medicine shall not bill a patient or client or the guardian, insurer, or third-party payor of the patient or client for anatomic pathology services performed by a center or laboratory for any amount in excess of the amount required to be disclosed pursuant to subparagraph c of paragraph 1 of subsection A of this section for that service.

C. Any person who has been determined to be in violation of subsection A or subsection B of this section by the State Board of Health, after notice and a hearing by the Board shall be subject to a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) for each failure to disclose or each violation of subsection B of this section.

~~C.~~ D. In addition to any other penalties or remedies provided by law:

1. A violation of this section by a health or mental health care professional ~~or,~~ a health care provider, or a physician shall be grounds for disciplinary action by the state agency licensing, certifying or registering such professional or provider; and

2. A state agency licensing, certifying or registering such professional, physician, or provider may institute an action to enjoin violation or potential violation of this section. The action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law.

E. For the purposes of this section, "anatomic pathology" means:

1. Histopathology or surgical pathology, which is defined as 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 defined as the examination of cells from fluids, aspirates, washings, brushings, or smears, including the Pap test examination performed by a physician or under the supervision of a physician;

3. Subcellular pathology and molecular pathology; and

4. Blood banking services performed by pathologists.

SECTION 2. This act shall become effective November 1, 2006."

Passed the House of Representatives the 20th day of April, 2006.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2006.

Presiding Officer of the Senate