

FEB 23 2005
Place On Calendar

HOUSE FILE 418
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 99)

Passed House, Date 3-7-05 Passed Senate, Date _____
Vote: Ayes 99 Nays 0 Vote: Ayes _____ Nays _____
Approved March 15, 2005

A BILL FOR

1 An Act concerning billing for anatomic pathology services and
2 making licensing sanctions applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 418

HOUSE FILE 418

H-1038

- 1 Amend House File 418 as follows:
2 1. Page 1, line 11, by striking the words "or
3 clinic".
4 2. Page 1, by inserting after line 11, the
5 following:
6 "____. The public health clinic or nonprofit clinic
7 that ordered the services."
8 3. Page 1, line 18, by striking the word and
9 figure "subsection 5" and inserting the following:
10 "subsections 5 and 6".
11 4. Page 2, by inserting after line 4, the
12 following:
13 "6. This section does not prohibit claims or
14 charges for anatomic pathology services presented on
15 behalf of a public health clinic or nonprofit clinic
16 that ordered the services provided that the clinic is
17 identified on the claim or charge presented."
18 5. Page 2, line 5, by striking the figure "6."
19 and inserting the following: "7."
20 6. Page 2, line 8, by striking the figure "7."
21 and inserting the following: "8."
22 7. By renumbering as necessary.

By TYMESON of Madison

H-1038 FILED MARCH 1, 2005

1 Section 1. NEW SECTION. 147.105 ANATOMIC PATHOLOGY
2 SERVICES -- BILLING.

3 1. A physician or a clinical laboratory located in this
4 state or in another state that provides anatomic pathology
5 services to a patient in this state shall present or cause to
6 be presented a claim, bill, or demand for payment for such
7 services only to the following persons:

8 a. The patient who is the recipient of the services.

9 b. The insurer or other third-party payor responsible for
10 payment of the services.

11 c. The hospital or clinic that ordered the services.

12 d. The referring clinical laboratory, other than the
13 laboratory of a physician's office or group practice, that
14 ordered the services.

15 e. A governmental agency or a specified public or private
16 agent, agency, or organization that is responsible for payment
17 of the services on behalf of the recipient of the services.

18 2. Except as provided under subsection 5, a clinical
19 laboratory or a physician providing anatomic pathology
20 services to patients in this state shall not, directly or
21 indirectly, charge, bill, or otherwise solicit payment for
22 such services unless the services were personally rendered by
23 a physician or under the direct supervision of a physician in
24 accordance with section 353 of the federal Public Health
25 Service Act, 42 U.S.C. § 263a.

26 3. A person to whom a claim, bill, or demand for payment
27 for anatomic pathology services is submitted is not required
28 to pay the claim, bill, or demand for payment if the claim,
29 bill, or demand for payment is submitted in violation of this
30 section.

31 4. This section shall not be construed to mandate the
32 assignment of benefits for anatomic pathology services as
33 defined in this section.

34 5. This section does not prohibit claims or charges
35 presented by a referring clinical laboratory, other than a

1 laboratory of a physician's office or group practice, to
2 another clinical laboratory when samples are transferred
3 between laboratories for the provision of anatomic pathology
4 services.

5 6. A violation of this section by a physician shall
6 subject the physician to the disciplinary provisions of
7 section 272C.3, subsection 2.

8 7. As used in this section:

9 a. "Anatomic pathology services" includes all of the
10 following:

11 (1) Histopathology or surgical pathology, meaning the
12 gross and microscopic examination and histologic processing of
13 organ tissue, performed by a physician or under the
14 supervision of a physician.

15 (2) Cytopathology, meaning the examination of cells from
16 fluids, aspirates, washings, brushings, or smears, including
17 the pap test examination, performed by a physician or under
18 the supervision of a physician.

19 (3) Hematology, meaning the microscopic evaluation of bone
20 marrow aspirates and biopsies performed by a physician or
21 under the supervision of a physician, and the examination of
22 peripheral blood smears, performed by a physician or under the
23 supervision of a physician, upon the request of an attending
24 or treating physician or technologist that a blood smear be
25 reviewed by a physician.

26 (4) Subcellular pathology and molecular pathology
27 services, performed by a physician or under the supervision of
28 a physician.

29 (5) Bloodbanking services, performed by a physician or
30 under the supervision of a physician.

31 b. "Physician" means any person licensed to practice
32 medicine and surgery, osteopathic medicine and surgery, or
33 osteopathy in this state or in another state.

34 EXPLANATION

35 This bill creates new Code section 147.105 relating to

1 bills submitted by a clinical laboratory or physician for the
2 provision of anatomic pathology services to a patient in this
3 state. The bill provides that a claim, bill, or demand for
4 payment for such services shall only be presented to certain
5 specified persons.

6 The bill also provides that a clinical laboratory or
7 physician shall not solicit payment for such services unless
8 the services were personally rendered by a physician or under
9 the supervision of a physician in accordance with federal law.
10 A person who receives a claim, bill, or demand for payment
11 that is made in violation of the new Code section is not
12 required to pay that claim, bill, or demand for payment. The
13 new Code section shall not be construed to mandate the
14 assignment of benefits for anatomic pathology services. The
15 bill does not prohibit claims or charges presented by a
16 referring clinical laboratory, other than a laboratory of a
17 physician's office or group practice, to another clinical
18 laboratory when samples are transferred between laboratories
19 for the provision of anatomic pathology services. The bill
20 allows the board of medical examiners to revoke, suspend, or
21 deny renewal of licensure to a physician licensed in this
22 state who violates the provisions of the bill.

23 The bill defines "anatomic pathology services". The bill
24 also defines "physician" as any person licensed to practice
25 medicine and surgery, osteopathic medicine and surgery, or
26 osteopathy in this state or in another state.

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HOUSE FILE 418
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 99)

(As Amended and Passed by the House March 7, 2005)

Passed House, Date _____ Passed Senate, Date 3-9-05
Vote: Ayes _____ Nays _____ Vote: Ayes 50 Nays 0
Approved _____

A BILL FOR

1 An Act concerning billing for anatomic pathology services and
2 making licensing sanctions applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

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Deleted Language *

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1 Section 1. NEW SECTION. 147.105 ANATOMIC PATHOLOGY
2 SERVICES -- BILLING.

3 1. A physician or a clinical laboratory located in this
4 state or in another state that provides anatomic pathology
5 services to a patient in this state shall present or cause to
6 be presented a claim, bill, or demand for payment for such
7 services only to the following persons:

8 a. The patient who is the recipient of the services.

9 b. The insurer or other third-party payor responsible for
10 payment of the services.

*11 c. The hospital that ordered the services.

12 d. The public health clinic or nonprofit clinic that
13 ordered the services.

14 e. The referring clinical laboratory, other than the
15 laboratory of a physician's office or group practice, that
16 ordered the services.

17 f. A governmental agency or a specified public or private
18 agent, agency, or organization that is responsible for payment
19 of the services on behalf of the recipient of the services.

20 2. Except as provided under subsections 5 and 6, a
21 clinical laboratory or a physician providing anatomic
22 pathology services to patients in this state shall not,
23 directly or indirectly, charge, bill, or otherwise solicit
24 payment for such services unless the services were personally
25 rendered by a physician or under the direct supervision of a
26 physician in accordance with section 353 of the federal Public
27 Health Service Act, 42 U.S.C. § 263a.

28 3. A person to whom a claim, bill, or demand for payment
29 for anatomic pathology services is submitted is not required
30 to pay the claim, bill, or demand for payment if the claim,
31 bill, or demand for payment is submitted in violation of this
32 section.

33 4. This section shall not be construed to mandate the
34 assignment of benefits for anatomic pathology services as
35 defined in this section.

1 5. This section does not prohibit claims or charges
2 presented by a referring clinical laboratory, other than a
3 laboratory of a physician's office or group practice, to
4 another clinical laboratory when samples are transferred
5 between laboratories for the provision of anatomic pathology
6 services.

7 6. This section does not prohibit claims or charges for
8 anatomic pathology services presented on behalf of a public
9 health clinic or nonprofit clinic that ordered the services
10 provided that the clinic is identified on the claim or charge
11 presented.

12 7. A violation of this section by a physician shall
13 subject the physician to the disciplinary provisions of
14 section 272C.3, subsection 2.

15 8. As used in this section:

16 a. "Anatomic pathology services" includes all of the
17 following:

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

22 (2) Cytopathology, meaning the examination of cells from
23 fluids, aspirates, washings, brushings, or smears, including
24 the pap test examination, performed by a physician or under
25 the supervision of a physician.

26 (3) Hematology, meaning the microscopic evaluation of bone
27 marrow aspirates and biopsies performed by a physician or
28 under the supervision of a physician, and the examination of
29 peripheral blood smears, performed by a physician or under the
30 supervision of a physician, upon the request of an attending
31 or treating physician or technologist that a blood smear be
32 reviewed by a physician.

33 (4) Subcellular pathology and molecular pathology
34 services, performed by a physician or under the supervision of
35 a physician.

1 (5) Bloodbanking services, performed by a physician or
2 under the supervision of a physician.

3 b. "Physician" means any person licensed to practice
4 medicine and surgery, osteopathic medicine and surgery, or
5 osteopathy in this state or in another state.

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*Tymeson
Tomenga
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HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON UPMEYER)

Succeeded By
SF 0418

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning billing for anatomic pathology services and
2 making licensing sanctions applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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5 services to a patient in this state shall present or cause to
6 be presented a claim, bill, or demand for payment for such
7 services only to the following persons:

8 a. The patient who is the recipient of the services.

9 b. The insurer or other third-party payor responsible for
10 payment of the services.

11 c. The hospital or clinic that ordered the services.

12 d. The referral laboratory, other than a physician's
13 office laboratory, that ordered the services.

14 e. A governmental agency or a specified public or private
15 agent, agency, or organization that is responsible for payment
16 of the services on behalf of the recipient of the services.

17 2. Except as provided under subsection 5, a clinical
18 laboratory or a physician providing anatomic pathology
19 services to patients in this state shall not, directly or
20 indirectly, charge, bill, or otherwise solicit payment for
21 such services unless the services were personally rendered by
22 a physician or under the direct supervision of a physician in
23 accordance with the federal Public Health Service Act, 42
24 U.S.C. § 263a.

25 3. A person to whom a claim, bill, or demand for payment
26 for anatomic pathology services is submitted is not required
27 to pay the claim, bill, or demand for payment if the claim,
28 bill, or demand for payment is submitted in violation of this
29 section.

30 4. This section shall not be construed to mandate the
31 assignment of benefits for anatomic pathology services as
32 defined in this section.

33 5. This section does not prohibit claims or charges
34 presented by one clinical laboratory to another clinical
35 laboratory when samples are transferred between laboratories

1 for the provision of anatomic pathology services.

2 6. A violation of this section by a physician shall
3 subject the physician to the disciplinary provisions of
4 section 272C.3, subsection 2.

5 7. As used in this section:

6 a. "Anatomic pathology services" includes all of the
7 following:

8 (1) Histopathology or surgical pathology, meaning the
9 gross and microscopic examination and histologic processing of
10 organ tissue, performed by a physician or under the
11 supervision of a physician.

12 (2) Cytopathology, meaning the examination of cells from
13 fluids, aspirates, washings, brushings, or smears, including
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17 marrow aspirates and biopsies performed by a physician or
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23 (4) Subcellular pathology and molecular pathology
24 services, performed by a physician or under the supervision of
25 a physician.

26 (5) Bloodbanking services, performed by a physician or
27 under the supervision of a physician.

28 b. "Physician" means any person licensed to practice
29 medicine and surgery, osteopathic medicine and surgery, or
30 osteopathy in this state or in another state.

31 EXPLANATION

32 This bill creates new Code section 147.105 relating to
33 bills submitted by a clinical laboratory or physician for the
34 provision of anatomic pathology services to a patient in this
35 state. The bill provides that a claim, bill, or demand for

1 payment for such services shall only be presented to certain
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4 physician shall not solicit payment for such services unless
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6 the supervision of a physician in accordance with federal law.
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8 that is made in violation of the new Code section is not
9 required to pay that claim, bill, or demand for payment. The
10 new Code section shall not be construed to mandate the
11 assignment of benefits for anatomic pathology services. The
12 bill does not prohibit claims or charges presented by one
13 clinical laboratory to another when samples are transferred
14 between laboratories for the provision of anatomic pathology
15 services. The bill allows the board of medical examiners to
16 revoke, suspend, or deny renewal of licensure to a physician
17 licensed in this state who violates the provisions of the
18 bill.

19 The bill defines "anatomic pathology services". The bill
20 also defines "physician" as any person licensed to practice
21 medicine and surgery, osteopathic medicine and surgery, or
22 osteopathy in this state or in another state.

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HOUSE FILE 418

AN ACT
CONCERNING BILLING FOR ANATOMIC PATHOLOGY SERVICES AND MAKING
LICENSING SANCTIONS APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 147.105 ANATOMIC PATHOLOGY
SERVICES -- BILLING.

1. A physician or a clinical laboratory located in this state or in another state that provides anatomic pathology services to a patient in this state shall present or cause to be presented a claim, bill, or demand for payment for such services only to the following persons:

- a. The patient who is the recipient of the services.
- b. The insurer or other third-party payor responsible for payment of the services.
- c. The hospital that ordered the services.
- d. The public health clinic or nonprofit clinic that ordered the services.
- e. The referring clinical laboratory, other than the laboratory of a physician's office or group practice, that ordered the services.
- f. A governmental agency or a specified public or private agent, agency, or organization that is responsible for payment of the services on behalf of the recipient of the services.

2. Except as provided under subsections 5 and 6, a clinical laboratory or a physician providing anatomic pathology services to patients in this state shall not, directly or indirectly, charge, bill, or otherwise solicit payment for such services unless the services were personally rendered by a physician or under the direct supervision of a

physician in accordance with section 353 of the federal Public Health Service Act, 42 U.S.C. § 263a.

3. A person to whom a claim, bill, or demand for payment for anatomic pathology services is submitted is not required to pay the claim, bill, or demand for payment if the claim, bill, or demand for payment is submitted in violation of this section.

4. This section shall not be construed to mandate the assignment of benefits for anatomic pathology services as defined in this section.

5. This section does not prohibit claims or charges presented by a referring clinical laboratory, other than a laboratory of a physician's office or group practice, to another clinical laboratory when samples are transferred between laboratories for the provision of anatomic pathology services.

6. This section does not prohibit claims or charges for anatomic pathology services presented on behalf of a public health clinic or nonprofit clinic that ordered the services provided that the clinic is identified on the claim or charge presented.

7. A violation of this section by a physician shall subject the physician to the disciplinary provisions of section 272C.3, subsection 2.

8. As used in this section:

a. "Anatomic pathology services" includes all of the following:

(1) Histopathology or surgical pathology, meaning the gross and microscopic examination and histologic processing of organ tissue, performed by a physician or under the supervision of a physician.

(2) Cytopathology, meaning 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) Hematology, meaning the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician or

under the supervision of a physician, and the examination of peripheral blood smears, performed by a physician or under the supervision of a physician, upon the request of an attending or treating physician or technologist that a blood smear be reviewed by a physician.

(4) Subcellular pathology and molecular pathology services, performed by a physician or under the supervision of a physician.

(5) Bloodbanking services, performed by a physician or under the supervision of a physician.

b. "Physician" means any person licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy in this state or in another state.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 418, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved March 15, 2005

THOMAS J. VILSACK
Governor