

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-053

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1575

By: Representative L. Smith

Filed with: House Interim Committee on Public Health, Welfare and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO PROSCRIBE UNPROFESSIONAL CONDUCT BY
PHYSICIANS WITH REGARD TO ANATOMIC PATHOLOGY
SERVICES; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO PROSCRIBE UNPROFESSIONAL
CONDUCT BY PHYSICIANS WITH REGARD TO
ANATOMIC PATHOLOGY SERVICES.

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

SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 4 is amended
to add an additional section to read as follows:

17-95-413. Unprofessional conduct -- Anatomic pathology service.

(1)(A) For purposes of this section "anatomic pathology service"

means:

(i) Blood-banking services performed by a

pathologist

(ii) Cytopathology;

(iii) Hematology;

(iv) Histopathology; and

(v) Subcellular pathology and molecular pathology.

(B) "Anatomic pathology service" does not include the
initial collection or packaging of the specimen for transport;



1 (2) "Cytopathology" means the microscopic examination of cells
2 from the following:

3 (A) Aspirates;

4 (B) Brushing;

5 (C) Fluids;

6 (D) Smears, including the Pap test examination performed
7 by a physician or under the supervision of a physician; and

8 (E) Washings;

9 (3) "Health care benefit program" means any public or private
10 plan or contract under which any medical benefit item or service is provided
11 to any individual.

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

17 (5) "Histopathology" means the gross and microscopic examination
18 and histologic processing of organ tissue performed by a physician or under
19 the supervision of a physician.

20 (b)(1) A physician commits an act of unprofessional conduct if he or
21 she:

22 (A) Orders an anatomic pathology service for a patient;
23 and does not supervise or perform a component of the service; and

24 (B) Fails to disclose in any bill or separate statement
25 for an anatomic pathology service presented to the patient, insurer, or other
26 third-party payor:

27 (i) The name and address of the physician or
28 laboratory that provided the anatomic pathology service; and

29 (ii) The actual amount paid or to be paid for each
30 anatomic pathology service provided to the patient by the physician or
31 laboratory that performed the service.

32 (2) This subsection (b) does not apply if the anatomic pathology
33 service is ordered on behalf of the patient by a hospital, a public health
34 clinic, a state or federal agency, or an agent of a state or federal agency.

35 (c) If a patient is not covered by a health care benefit program for
36 anatomic pathology service, a physician commits an act of unprofessional

1 conduct he or she submits to the patient an amount in excess of the amount
2 required to be disclosed under subdivision (b)(1)(ii) of this section.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Filed Date: 04/02/2009 By: MGF\VJF