

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

1

HOUSE BILL 636

Short Title: Anatomic Pathology Services/Provider Billing.

(Public)

Sponsors: Representative Nye.

Referred to: Health.

March 15, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO RESTRICT THE BILLING FOR ANATOMIC PATHOLOGY  
3 SERVICES BY CLINICAL LABORATORIES AND PHYSICIANS PROVIDING  
4 THE SERVICES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding the  
7 following new Article to read:

"Article 40.

"Pathology Services Billing.

10 **"§ 90-681. Direct billing of anatomic pathology services.**

11 (a) A clinical laboratory or physician providing anatomic pathology services for  
12 patients in this State shall present a claim, bill, or demand for payment for these services  
13 only to the following:

14 (1) The patient directly;

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

16 (3) The hospital, public health clinic, or nonprofit health clinic ordering  
17 the services;

18 (4) The referring laboratory, other than a laboratory of a physician's office  
19 or group practice; or

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

22 (b) Except as provided under subsection (f) of this section, no licensed  
23 practitioner in the State shall directly or indirectly charge, bill, or otherwise solicit  
24 payment for anatomic pathology services unless the services were rendered personally  
25 by that practitioner or under the practitioner's direct supervision in accordance with  
26 section 353 of the Public Health Service Act (42 U.S.C. § 263a.).

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

1       (d) Nothing in this section shall be construed to require direct reimbursement to  
2 the practitioner for anatomic pathology services.

3       (e) As used in this section, "anatomic pathology services" means:

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

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

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

15          (4) Subcellular pathology and molecular pathology; and blood-banking  
16 services performed by pathologists.

17       (f) This section does not prohibit billing of a referring laboratory, other than a  
18 laboratory of a physician's office or group practice, for anatomic pathology services in  
19 instances where a sample or samples must be sent to another specialist.

20       (g) Nothing in this section shall be construed as precluding a hospital affiliated  
21 laboratory from billing the director of the laboratory for anatomic pathology services, or  
22 a component thereof, that were provided in the hospital-affiliated laboratory and  
23 supervised by the director of the laboratory.

24       (h) The respective State licensing boards having jurisdiction over any practitioner  
25 who may request or provide anatomic pathology services may revoke, suspend, or deny  
26 renewal of the license of any practitioner that violates this section."

27       **SECTION 2.** This act is effective when it becomes law.