

FILED MAR 3 2005

SENATE FILE 269  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 1131)

Passed Senate, Date \_\_\_\_\_ Passed House, 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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SF 269

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.

6 EXPLANATION

7 This bill creates new Code section 147.105 relating to  
8 bills submitted by a clinical laboratory or physician for the  
9 provision of anatomic pathology services to a patient in this  
10 state. The bill provides that a claim, bill, or demand for  
11 payment for such services shall only be presented to certain  
12 specified persons.

13 The bill also provides that a clinical laboratory or  
14 physician shall not solicit payment for such services unless  
15 the services were personally rendered by a physician or under  
16 the supervision of a physician in accordance with federal law.  
17 A person who receives a claim, bill, or demand for payment  
18 that is made in violation of the new Code section is not  
19 required to pay that claim, bill, or demand for payment. The  
20 new Code section shall not be construed to mandate the  
21 assignment of benefits for anatomic pathology services. The  
22 bill does not prohibit claims or charges presented by one  
23 clinical laboratory, other than a laboratory of a physician's  
24 office or group practice, to another clinical laboratory when  
25 samples are transferred between laboratories for the provision  
26 of anatomic pathology services. The bill also does not  
27 prohibit claims or charges presented on behalf of a public  
28 health clinic or nonprofit clinic that ordered the services  
29 provided that the clinic is identified on the claim or charge  
30 presented. The bill allows the board of medical examiners to  
31 revoke, suspend, or deny renewal of licensure to a physician  
32 licensed in this state who violates the provisions of the  
33 bill.

34 The bill defines "anatomic pathology services". The bill  
35 also defines "physician" as any person licensed to practice

1 medicine and surgery, osteopathic medicine and surgery, or  
2 osteopathy in this state or in another state.

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Dotzler co-chair  
Seymour co-chair  
Ragan  
Hauser

Succeeded By  
HF 269

SSB# 1131  
Human Resources

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CO-CHAIRPERSON RAGAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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