

## 1 SENATE BILL NO. 479

2 INTRODUCED BY LIND, MCGILLVRAY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE ENTITIES TO WHICH A BILL OR DEMAND  
5 FOR PAYMENT FOR ANATOMIC PATHOLOGY SERVICES MAY BE PRESENTED; PROHIBITING A  
6 PHYSICIAN OR OTHER PRACTITIONER OF THE HEALING ARTS FROM BILLING FOR ANATOMIC  
7 PATHOLOGY SERVICES UNLESS THOSE SERVICES WERE PROVIDED BY THE PHYSICIAN OR OTHER  
8 PRACTITIONER; SPECIFYING ENTITIES NOT REQUIRED TO REIMBURSE FOR CERTAIN ANATOMIC  
9 PATHOLOGY SERVICES; PROVIDING EXEMPTIONS; PROVIDING A REMEDY FOR VIOLATIONS;  
10 PROVIDING DEFINITIONS; AND PROVIDING AN APPLICABILITY DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 NEW SECTION. **Section 1. Direct billing for anatomic pathology services.** (1) A clinical laboratory  
15 or physician providing anatomic pathology services for a patient may present a bill or demand for payment for  
16 services furnished by the laboratory or physician only to the following entities:

- 17 (a) the patient;
- 18 (b) the patient's insurer or other third-party payor;
- 19 (c) the health care facility ordering the services;
- 20 (d) a referring laboratory, other than a laboratory in which the patient's physician or other practitioner  
21 of the healing arts has a financial interest; or
- 22 (e) a state or federal agency or the agent of that agency, on behalf of the patient.

23 (2) Except as provided in subsection (5), a physician or other practitioner of the healing arts licensed  
24 pursuant to Title 37 may not directly or indirectly bill or charge for or solicit payment for anatomic pathology  
25 services unless those services were provided personally by the physician or other practitioner or under the direct  
26 supervision of a physician providing that supervision for the purposes of 42 U.S.C. 263a.

27 (3) The following entities are not required to reimburse a physician for a bill or charge made in violation  
28 of this section:

- 29 (a) a patient;
- 30 (b) an insurer;

- 1 (c) a health care facility; or
- 2 (d) another third-party payor.
- 3 (4) This section does not require an assignment of benefits for anatomic pathology services.
- 4 (5) This section does not prohibit billing between laboratories, other than laboratories in which the
- 5 patient's physician or other practitioner of the healing arts has a financial interest, for anatomic pathology
- 6 services in instances requiring that a sample be sent to a specialist at another laboratory.
- 7 (6) This section does not prohibit a clinical laboratory or physician providing anatomic pathology
- 8 services for a patient from presenting a bill or demand for payment for those services or presenting separate
- 9 bills or demands for payment to a payor when allowed by this section.
- 10 (7) The licensing entity for a physician or other practitioner of the healing arts licensed pursuant to Title
- 11 37 may revoke, suspend, or refuse to renew the license of a physician or other practitioner of the healing arts
- 12 who violates a provision of this section.
- 13 (8) As used in this section, the following definitions apply:
- 14 (a) "Anatomic pathology services" means:
- 15 (i) histopathology or surgical pathology, meaning the gross examination of, histologic processing of, or
- 16 microscopic examination of human organ tissue performed by a physician or under the supervision of a
- 17 physician;
- 18 (ii) cytopathology, meaning the examination of human cells, from fluids, aspirates, washings, brushings,
- 19 or smears, including the pap test examination performed by a physician or under the supervision of a physician;
- 20 (iii) hematology, meaning the microscopic evaluation of human bone marrow aspirates and biopsies
- 21 performed by a physician or under the supervision of a physician and peripheral human blood smears when the
- 22 attending or treating physician or other practitioner of the healing arts or a technologist requests that a blood
- 23 smear be reviewed by a pathologist;
- 24 (iv) subcellular pathology and molecular pathology; or
- 25 (v) blood bank services performed by a pathologist.
- 26 (b) "Clinical laboratory" or "laboratory" means a facility for the biological, microbiological, serological,
- 27 chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of
- 28 materials derived from the human body for the purpose of providing information for the diagnosis, prevention,
- 29 or treatment of any disease or impairment of human beings or the assessment of the health of human beings.
- 30 (c) "Health care facility" has the meaning provided in 50-5-101.

1 (d) "Insurer" includes a disability insurer, a health services corporation, a health maintenance  
2 organization, and a fraternal benefit society.

3 (e) "Patient" has the meaning provided in 50-16-504.

4 (f) "Physician" has the meaning provided in 37-3-102.

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6 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
7 integral part of Title 37, chapter 2, and the provisions of Title 37, chapter 2, apply to [section 1].

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9 **NEW SECTION. Section 3. Applicability.** [This act] applies to anatomic pathology services furnished  
10 after October 1, 2005.

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