

House Bill 2354

Sponsored by Representative SALINAS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits physician or clinical laboratory from delivering claim, bill or other demand for payment for anatomic pathology services other than to patient, insurer or third-party payer, public health clinic or nonprofit health clinic or government agency responsible for paying for patient's medical care or anatomic pathology services.

Becomes operative on January 1, 2022.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to billing for anatomic pathology services; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Anatomic pathology service" means:**

6 (A) **An examination of cells from fluids, aspirates, washings, brushings or smears, in-**
7 **cluding a Pap test examination, that a physician performs or that another person performs**
8 **under a physician's supervision;**

9 (B) **A microscopic examination of bone marrow aspirates and biopsies that a physician**
10 **performs or that another person performs under a physician's supervision or a microscopic**
11 **examination of blood smears that a pathologist performs at a physician's or clinician's re-**
12 **quest;**

13 (C) **A gross or microscopic examination of organ tissue that a physician performs or that**
14 **another person performs under a physician's supervision;**

15 (D) **Subcellular pathology services, molecular pathology services and other services that**
16 **a pathologist performs at a physician's request; and**

17 (E) **Blood banking services that a pathologist performs.**

18 (b) **"Attending physician" means the physician who has primary responsibility for caring**
19 **for and treating a patient.**

20 (c) **"Clinical laboratory" has the meaning given that term in ORS 438.010.**

21 (d) **"Clinician" has the meaning given that term in ORS 438.010.**

22 (e) **"Pathologist" means a physician who holds a current license to practice medicine and**
23 **surgery in this state and who is eligible for certification by the American Board of Pathology.**

24 (f) **"Patient" means an individual who seeks or receives medical treatment from a phy-**
25 **siician in this state.**

26 (g) **"Physician" means an individual whom the Oregon Medical Board has licensed to**
27 **practice medicine and surgery in this state.**

28 (2) **A physician or clinical laboratory that provides anatomic pathology services in this**
29 **state may deliver a claim, bill or other demand for payment for an anatomic pathology ser-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 vice only to:

2 (a) The patient who provided the samples that were the subject of the anatomic pathology
3 service;

4 (b) The patient's insurer or other third-party payer;

5 (c) A public health clinic or nonprofit health clinic if the public health clinic or nonprofit
6 health clinic:

7 (A) Orders the anatomic pathology service under a physician's supervision; and

8 (B) Discloses to the patient in advance that the physician or clinical laboratory will de-
9 liver the claim, bill or demand for payment to the public health clinic or nonprofit health
10 clinic;

11 (d) The patient's attending physician, if the attending physician performs or has the an-
12 atomic pathology service performed in the attending physician's office laboratory;

13 (e) The clinical laboratory at which the patient originally sought treatment if the clinical
14 laboratory referred samples to another clinical laboratory for a specialized or additional an-
15 atomic pathology service; or

16 (f) A government agency or a designated agent of the government agency if the govern-
17 ment agency has responsibility for paying for a patient's medical care or for anatomic
18 pathology services performed on a patient's behalf.

19 (3) Except as otherwise provided in this section, a physician may not, directly or indi-
20 rectly, solicit, charge or deliver a claim, bill or other demand for payment for an anatomic
21 pathology service unless the physician performed the anatomic pathology service personally
22 or directly supervised the performance of the anatomic pathology service in the physician's
23 office laboratory.

24 (4) A patient, insurer, third-party payer, public health clinic or nonprofit health clinic
25 does not have a duty or requirement to reimburse a physician or clinical laboratory that
26 delivers a claim, bill or other demand for payment for an anatomic pathology service in vio-
27 lation of the provisions of this section.

28 (5) This section does not mandate any assignment of benefits for anatomic pathology
29 services.

30 (6) This section does not prohibit billing for anatomic pathology services between clinical
31 laboratories if one clinical laboratory must send a patient sample to another clinical labora-
32 tory for a specialized or additional anatomic pathology service.

33 (7) Subject to applicable provisions of ORS chapter 183:

34 (a) The Oregon Medical Board may discipline a physician who violates a provision of this
35 section in accordance with ORS 677.205.

36 (b) The Oregon Health Authority may suspend, revoke, deny renewal of or place condi-
37 tions on the renewal of the license of a clinical laboratory that violates a provision of this
38 section.

39 (8) The Oregon Medical Board and the Oregon Health Authority may adopt rules neces-
40 sary to implement the provisions of this section.

41 **SECTION 2.** Section 1 of this 2021 Act applies to anatomic pathology services that a
42 physician or clinical laboratory provides on or after the operative date specified in section 3
43 of this 2021 Act.

44 **SECTION 3.** (1) Section 1 of this 2021 Act becomes operative on January 1, 2022.

45 (2) The Oregon Medical Board and the Oregon Health Authority may adopt rules and take

1 any other action before the operative date specified in subsection (1) of this section that is
2 necessary to enable the board or the authority, on and after the operative date specified in
3 subsection (1) of this section, to undertake or exercise all of the duties, functions and powers
4 conferred on the board or the authority by section 1 of this 2021 Act.

5 SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021
6 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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