



General Assembly

February Session, 2010

**Raised Bill No. 5476**

LCO No. 2020

\*02020\_\_\_\_\_PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

**AN ACT CONCERNING PATHOLOGY BILLING PRACTICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-7a of the 2010 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2010*):

4 (a) Any practitioner of the healing arts who agrees with any clinical  
5 laboratory, either private or hospital, to make payments to such  
6 laboratory for individual tests or test series for patients shall disclose  
7 on the bills to patients or third party payors the name of such  
8 laboratory, the amount or amounts charged by such laboratory for  
9 individual tests or test series and the amount of his procurement or  
10 processing charge, if any, for each test or test series. Any person who  
11 violates the provisions of this section shall be fined not more than one  
12 hundred dollars.

13 (b) Each practitioner of the healing arts who recommends a test to  
14 aid in the diagnosis of a patient's physical condition shall, to the extent  
15 the practitioner is reasonably able, inform the patient of the  
16 approximate range of costs of such test.

17 (c) Each practitioner of the healing arts who (1) has an ownership or  
18 investment interest in an entity that provides diagnostic or therapeutic  
19 services, or (2) receives compensation or remuneration for referral of  
20 patients to an entity that provides diagnostic or therapeutic services  
21 shall disclose such interest to any patient prior to referring such patient  
22 to such entity for diagnostic or therapeutic services and provide  
23 reasonable referral alternatives. Such information shall be verbally  
24 disclosed to each patient or shall be posted in a conspicuous place  
25 visible to patients in the practitioner's office. The posted information  
26 shall list the therapeutic and diagnostic services in which the  
27 practitioner has an ownership or investment interest and therapeutic  
28 and diagnostic services from which the practitioner receives  
29 compensation or remuneration for referrals and state that alternate  
30 referrals will be made upon request. Therapeutic services include  
31 physical therapy, radiation therapy, intravenous therapy and  
32 rehabilitation services including physical therapy, occupational  
33 therapy or speech and language pathology, or any combination of such  
34 therapeutic services. This subsection shall not apply to in-office  
35 ancillary services. As used in this subsection, "ownership or  
36 investment interest" does not include ownership of investment  
37 securities that are purchased by the practitioner on terms available to  
38 the general public and are publicly traded; and "entity that provides  
39 diagnostic or therapeutic services" includes services provided by an  
40 entity that is within a hospital but is not owned by the hospital.  
41 Violation of this subsection constitutes conduct subject to disciplinary  
42 action under subdivision (6) of subsection (a) of section 19a-17.

43 [(d) No person or entity, other than a physician licensed under  
44 chapter 370, clinical laboratory, as defined in section 19a-30, or a  
45 referring clinical laboratory, shall directly or indirectly charge, bill or  
46 otherwise solicit payment for the provision of anatomic pathology  
47 services, unless such services were personally rendered by or under  
48 the direct supervision of such physician, clinical laboratory or referring  
49 laboratory in accordance with section 353 of the Public Health Service  
50 Act, (42 USC 263a). A clinical laboratory or referring laboratory may

51 only solicit payment for anatomic pathology services from the patient,  
52 a hospital, the responsible insurer of a third party payor, or a  
53 governmental agency or such agency's public or private agent that is  
54 acting on behalf of the recipient of such services. Nothing in this  
55 subsection shall be construed to prohibit a clinical laboratory from  
56 billing a referring clinical laboratory when specimens are transferred  
57 between such laboratories for histologic or cytologic processing or  
58 consultation. No patient or other third party payor, as described in this  
59 subsection, shall be required to reimburse any provider for charges or  
60 claims submitted in violation of this section. For purposes of this  
61 subsection, (1) "referring clinical laboratory" means a clinical  
62 laboratory that refers a patient specimen for consultation or anatomic  
63 pathology services, excluding the laboratory of a physician's office or  
64 group practice that takes a patient specimen and does not perform the  
65 professional diagnostic component of the anatomic pathology services  
66 involved, and (2) "anatomic pathology services" means the gross and  
67 microscopic examination and histologic or cytologic processing of  
68 human specimens, including histopathology or surgical pathology,  
69 cytopathology, hematology, subcellular pathology or molecular  
70 pathology or blood banking service performed by a pathologist.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	20-7a

**Statement of Purpose:**

To repeal statutory prohibitions applicable to health care providers who, in the course of their practice, bill for the provision of anatomic pathology services.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*