



Rep. Jay Hoffman

Filed: 3/23/2015

09900HB3209ham001

LRB099 09073 JLK 33257 a

1 AMENDMENT TO HOUSE BILL 3209

2 AMENDMENT NO. _____. Amend House Bill 3209 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Medical Patient Rights Act is amended by
5 changing Section 3.3 as follows:

6 (410 ILCS 50/3.3)

7 Sec. 3.3. Prohibition on the markup of anatomic pathology
8 services.

9 (a) A physician who orders, but who does not supervise or
10 perform, an anatomic pathology service shall disclose in a bill
11 for such service presented to the patient:

12 (1) the name and address of the physician or laboratory
13 that provided the anatomic pathology service; and

14 (2) the actual amount paid or to be paid for each
15 anatomic pathology service provided to the patient by the
16 physician or laboratory that performed the service.

1 (b) A physician subject to the requirement of subsection
2 (a) of this Section when billing a patient, insurer, or
3 third-party payer shall not markup, or directly or indirectly
4 increase, the amount subject to disclosure under paragraph (2)
5 of subsection (a) of this Section in any bill presented to a
6 patient, insurer, or third-party payer.

7 (c) This Section does not prohibit a referring physician
8 from charging a specimen acquisition or processing charge if:

9 (1) the charge is limited to actual costs incurred for
10 specimen collection and transportation; and

11 (2) the charge is separately coded or denoted as a
12 service distinct from the performance of the anatomic
13 pathology service, in conformance with the coding policies
14 of the American Medical Association.

15 (d) The only exemptions to the requirements of this Section
16 ~~do not apply~~ are the following ~~to an anatomic pathology service~~
17 ~~ordered or provided by:~~

18 (1) facilities licensed under the Hospital Licensing
19 Act or the University of Illinois Hospital Act or clinical
20 laboratories owned, operated by, or operated within
21 facilities licensed under the Hospital Licensing Act or the
22 University of Illinois Hospital Act;

23 (2) any public health clinic or nonprofit health
24 clinic; ~~or~~

25 (3) any government agency, or their specified public or
26 private agents; or ~~or~~

1 (4) an anatomic pathology laboratory certified or
2 accredited under Section 263a of the Public Health Service
3 Act, 42 U.S.C. 263a, when owned and operated by a physician
4 or physician group practice who orders such services,
5 provided that:

6 (A) the referral and billing for the anatomic
7 pathology service would otherwise be permitted under
8 paragraph (2) of subsection (b) of 42 U.S.C. 13955nn as
9 an in-office ancillary service;

10 (B) the professional component of the anatomic
11 pathology service is provided at the laboratory
12 exclusively for patients of the physician or group
13 practice who owns and operates the laboratory; and

14 (C) the physician performing the anatomic
15 pathology services is in an employee, group practice,
16 or contractual arrangement in compliance with Section
17 20 of the Health Care Worker Self-Referral Act and
18 subsections (a) and (b) of Section 22.2 of the Medical
19 Practice Act of 1987.

20 (e) No patient, insurer, or other third-party payer, shall
21 be required to reimburse any licensed health care professional
22 for charges or claims submitted in violation of this Section.

23 (f) A person who receives a bill for an anatomic pathology
24 service made in knowing and willful violation of this Section
25 may maintain an action to recover the actual amount paid for
26 the bill.

1 (g) The Department of Insurance shall enforce the
2 provisions of this Section for any bill submitted to a payer in
3 violation of this Section.

4 (h) For the purposes of this Section: ~~"anatomic~~

5 "Anatomic" pathology services means:

6 (1) histopathology or surgical pathology, meaning the
7 gross and microscopic examination performed by a physician
8 or under the supervision of a physician, including
9 histologic processing;

10 (2) cytopathology, meaning the microscopic examination
11 of cells from (A) fluids, (B) aspirates, (C) washings, (D)
12 brushings, or (E) smears, including the Pap smear test
13 examination performed by a physician or under the
14 supervision of a physician;

15 (3) hematology, meaning the microscopic evaluation of
16 bone marrow aspirates and biopsies performed by a
17 physician, or under the supervision of a physician, and
18 peripheral blood smears when the attending or treating
19 physician or technologist requests that a blood smear be
20 reviewed by a pathologist;

21 (4) sub-cellular pathology or molecular pathology,
22 meaning the assessment of a patient specimen for the
23 detection, localization, measurement, or analysis of one
24 or more protein or nucleic acid targets; and

25 (5) blood-banking services performed by pathologists.

26 "Professional component of the anatomic pathology service"

1 means the entire anatomic pathology service other than
2 histologic processing.

3 (Source: P.A. 98-1127, eff. 1-1-15.)".