

Senate Bill 315

By: Senators Balfour of the 9th, Thomas of the 54th, Mullis of the 53rd, Carter of the 13th, Hudgens of the 47th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to health, so as to provide for direct billing of anatomic  
3 pathology services; to provide for related matters; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to  
8 general provisions relative to health, is amended by adding a new Code section to the end of  
9 such article to read as follows:

10 "31-1-10.

11 (a) As used in this Code section, the term 'anatomic pathology services' means:

12 (1) Histopathology or surgical pathology meaning the gross and microscopic  
13 examination and histologic processing of organ tissue performed by a physician or under  
14 the supervision of a physician;

15 (2) Cytopathology meaning the examination of cells from fluids, aspirates, washings,  
16 brushings, or smears, including the Pap test examination, performed by a physician or  
17 under the supervision of a physician;

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

22 (4) Subcellular pathology and molecular pathology; and

23 (5) Blood-banking services performed by pathologists.

24 (b) A clinical laboratory or physician located in this state or in another state providing  
25 anatomic pathology services for patients in this state shall present or cause to be presented  
26 a claim, bill, or demand for payment for such services only to one or more of the following:

- 1 (1) The patient directly;
- 2 (2) The responsible insurer or third-party payor;
- 3 (3) The hospital, public health clinic, or nonprofit health clinic ordering such services;
- 4 (4) The referring laboratory, other than a laboratory of a physician's office or group
- 5 practice; or
- 6 (5) The governmental agencies or their specified public or private agent, agency, or
- 7 organization on behalf of the recipient of the services.
- 8 (c) Except as provided under subsection (f) of this Code section, no licensed practitioner
- 9 in the state shall, directly or indirectly, charge, bill, or otherwise solicit payment for
- 10 anatomic pathology services unless such services were rendered by the licensed practitioner
- 11 or under the licensed practitioner's direct supervision in accordance with Section 353 of
- 12 the Public Health Service Act (42 U.S.C. Section 263a).
- 13 (d) No patient, insurer, third-party payor, hospital, public health clinic, or nonprofit health
- 14 clinic shall be required to reimburse any licensed practitioner for charges or claims
- 15 submitted in violation of this Code section.
- 16 (e) Nothing in this Code section shall be construed to mandate the assignment of benefits
- 17 for anatomic pathology services as defined in this Code section.
- 18 (f) The provisions of this Code section shall not prohibit billing of a referring laboratory,
- 19 other than a laboratory of a physician's office or group practice, for anatomic pathology
- 20 services in instances where a sample or samples must be sent to another specialist.
- 21 (g) The respective state licensing boards having jurisdiction over any practitioner who may
- 22 request or provide anatomic pathology services may revoke, suspend, or deny renewal of
- 23 the license of any practitioner who violates the provisions of this Code section."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.