

CHAPTER NO. 1003

HOUSE BILL NO. 3835

By Representatives Mike Turner, Ferguson, John DeBerry, Mumpower, Odom

Substituted for: Senate Bill No. 2893

By Senator Herron

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 6, relative to anatomic pathology services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding Sections 2 through 8 of this act as new part 12.

SECTION 2. A clinical laboratory or physician, located in this state, or in another state, providing cytopathology services for patients in this state, shall present or cause to be presented a claim, bill or demand for payment for these services only to the following:

- (1) The patient directly;
- (2) The responsible insurer or other third-party payor;
- (3) The hospital, public health clinic, or nonprofit health clinic ordering such services;
- (4) The referring laboratory, other than a laboratory of a physician's office or group practice that does not perform the technical or professional component of the cytopathology service for which such claim, bill, or demand is presented; or
- (5) Governmental agencies or their specified public or private agent, agency, or organization on behalf of the recipient of the services.

SECTION 3. Except as provided by Section 7 of this act, no licensed practitioner in the state shall, directly or indirectly, charge, bill, or otherwise solicit payment for cytopathology services unless the professional component of such services was rendered personally by the licensed practitioner or under the licensed practitioner's direct supervision in accordance with Section 353 of the Public Health Service Act (42 U.S.C. 263a).

SECTION 4. No patient, insurer, third party payor, hospital, public health clinic, or nonprofit health clinic shall be required to reimburse any licensed practitioner for charges or claims submitted in violation of this part.

SECTION 5. Nothing in this part shall be construed to mandate the assignment of benefits for cytopathology services as defined in Section 6 of this part.

SECTION 6. For purposes of this part, "cytopathology services" means the examination of cells from fluids, aspirates, washings, brushings, or smears, including the Pap test examination performed by a physician or under the supervision of a physician.

SECTION 7. The provisions of this part do not prohibit billing of a referring laboratory for cytopathology services in instances where a sample or samples must be sent to another specialist, provided, for purposes of this section, "referring laboratory" does not include a laboratory of a physician's office or group practice that does not perform the technical or professional component of the cytopathology service involved.

SECTION 8. The appropriate state licensing board having jurisdiction over any practitioner who may request or provide cytopathology services may revoke, suspend or deny renewal of the license of any practitioner who violates the provisions of this part.

SECTION 9. This act shall take effect July 1, 2006, the public welfare requiring it.

**PASSED: May 25, 2006**

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 27<sup>th</sup> day of June 2006**

  
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PHIL BREDEESEN, GOVERNOR