

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB1104

Hearing Date: February 22, 2008

Committee On: Health and Human Services

Introducer(s): (Fulton)

Title: Provide for unlawful billing practices under the Uniform Credentialing Act

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

7 Yes	Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman
0 No	
0 Absent	
0 Present, not voting	

Proponents:

Senator Fulton
Dr. Steffan R. Lacey
Dr. Gene Herbek

Representing:

Introducer
Nebraska Association of Pathologists
Nebraska Association of Pathologists

Opponents:

Leslie Spry, MD
James L. Quinlan
David Watts

Representing:

Nebraska Medical Association
Nebraska Dermatology Society Inc.
Nebraska Dermatology Society

Neutral:

Representing:

Summary of purpose and/or change:

LB 1104 provides additional grounds for discipline under the Medicine and Surgery Practice Act (act).

The bill prohibits a licensee or an applicant for a license to practice medicine and surgery or osteopathic medicine and surgery under the act from charging a markup, commission, or profit for an anatomic pathology service or directly or indirectly increasing the actual amount to be paid for such service if the applicant or licensee was a referring physician who ordered but did not supervise or perform the anatomic pathology service.

The bill does not prohibit a referring physician from charging a specimen acquisition or processing charge if: (1) the charge is limited to actual costs incurred for specimen collection and transportation; (2) the charge is coded or denoted as a service distinct from the performance of the anatomic pathology service; and (3) the patient is notified in advance of the charge.

The bill requires a referring physician who ordered but did not supervise or perform an anatomic pathology service to disclose in a bill for such service performed by another physician or laboratory: (1) the name and address of the physician or laboratory that provided the anatomic pathology service; and (2) the actual amount paid or to be paid for each anatomic pathology service provided to the patient by the physician or laboratory that performed the service.

The bill has an operative date of December 1, 2008.

Explanation of amendments, if any:

The committee amendment (AM 2397) replaces substantive provisions of the bill as introduced. The amendment prohibits a licensee or an applicant for a license to practice medicine and surgery or osteopathic medicine and surgery from (1) adding a markup, commission, or profit on a professional service or other service rendered by another physician; or (2) directly or indirectly increasing the actual amount to be paid for a professional service or other service if the applicant or licensee was a referring physician who ordered but did not supervise or perform the service.

The amendment permits a licensee or applicant who is a referring physician who ordered but did not supervise or perform a professional service to add a reasonable handling, conveyance, acquisition, or processing charge if (1) the patient is made aware of the added charge; (2) the added charge is commensurate with the handling, conveyance, acquisition, or processing service rendered by the licensee or applicant or his or her practice; and (3) the charge is appended with the appropriate American Medical Association (AMA) current procedural terminology (CPT) code for handling, conveyance, acquisition, and processing of the specimen or the appropriate AMA CPT code modifier indicating that a professional service or laboratory service was performed by another party.

Senator Joel Johnson, Chairperson