

LEGISLATIVE BILL 394

Approved by the Governor May 26, 2009

Introduced by Fulton, 29; Gay, 14; Hansen, 42; Howard, 9; Pankonin, 2; Stuthman, 22.

FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2001, Reissue Revised Statutes of Nebraska; to define an act of unprofessional conduct; to define terms relating to unprofessional conduct; to harmonize provisions; to provide an operative date; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 38-2001, Reissue Revised Statutes of Nebraska, is amended to read:

38-2001 Sections 38-2001 to 38-2061 and section 2 of this act shall be known and may be cited as the Medicine and Surgery Practice Act.

Sec. 2. (1) It shall be unprofessional conduct for any physician who orders but does not supervise or perform a component of an anatomic pathology service to fail to disclose in any bill for such service presented to a patient, entity, or person:

(a) The name and address of the physician or laboratory that provided the anatomic service; and

(b) 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.

(2) For purposes of this section, anatomic pathology service means:

(a) Blood-banking services performed by pathologists;

(b) Cytopathology, which means the microscopic examination of cells from the following: Fluids; aspirates; washings; brushings; or smears, including the Pap test examination performed by a physician or under the supervision of a physician;

(c) Hematology, which means the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician or under the supervision of a physician and peripheral blood smears when the attending or treating physician or technologist requests that a blood smear be reviewed by the pathologist;

(d) Histopathology or surgical pathology, which means the gross and microscopic examination and histologic processing of organ tissue performed by a physician or under the supervision of a physician; and

(e) Subcellular pathology and molecular pathology.

(3) For purposes of this section, anatomic pathology service does not include the initial collection or packaging of the specimen for transport.

Sec. 3. This act becomes operative on January 1, 2010.

Sec. 4. Original section 38-2001, Reissue Revised Statutes of Nebraska, is repealed.