

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 394**

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

Read first time January 16, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medicine and Surgery Practice Act;  
2 to amend section 38-2001, Reissue Revised Statutes of  
3 Nebraska; to define an act of unprofessional conduct;  
4 to define terms relating to unprofessional conduct; to  
5 harmonize provisions; to provide an operative date; and  
6 to repeal the original section.  
7 Be it enacted by the people of the State of Nebraska,

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

3           38-2001 Sections 38-2001 to 38-2061 and section 2 of this  
4 act shall be known and may be cited as the Medicine and Surgery  
5 Practice Act.

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

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

12           (b) The actual amount paid or to be paid for each  
13 anatomic pathology service provided to the patient by the physician  
14 or laboratory that performed the service.

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

17           (a) Blood-banking services performed by pathologists;

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

22           (c) Hematology, which means the microscopic evaluation  
23 of bone marrow aspirates and biopsies performed by a physician or  
24 under the supervision of a physician and peripheral blood smears  
25 when the attending or treating physician or technologist requests

1 that a blood smear be reviewed by the pathologist;

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

6 (e) Subcellular pathology and molecular pathology.

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

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

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