

§§1,4,5
C.45:9-42.41a
To
45:9-42.41c

P.L. 1997, CHAPTER 156, *approved July 3, 1997*
Senate, No. 1000 (*Second Reprint*)

1 AN ACT concerning clinical laboratories and amending and
2 supplementing P.L.1975, c.166.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) A clinical laboratory shall present or cause to be
8 presented a claim, bill or demand for payment for clinical laboratory
9 services directly to the recipient of the services ²[unless the recipient
10 of the services or the recipient's responsible party authorizes ¹, under
11 the terms and conditions of the recipient's third party payer contract.¹]
12 , except² that the claim, bill or demand for payment ²may² be presented
13 to any of the following:

14 a. An immediate family member of the recipient of the services or
15 other person legally responsible for the debts or care of the recipient
16 of the services;

17 b. A third party payer including a health insurer, ¹a health, hospital
18 or medical services corporation.¹ a State approved or federally
19 qualified health maintenance organization in which the recipient of the
20 services is enrolled, a governmental agency or its specified agent
21 which provides health care benefits on behalf of the recipient of the
22 services, and an employer of the recipient of the services who is
23 responsible for payment of the services², provided that billing these
24 payers is consistent with the terms of any applicable contract between
25 the payer and the recipient of the services²;

26 c. A hospital or skilled nursing facility in which the recipient of the
27 services is or has been an inpatient or outpatient;

28 d. A substance abuse program in which the recipient of the services
29 is or has been a participant; and

30 e. A nonprofit clinic or other health care provider whose purpose
31 is the promotion of public health, from which the recipient of the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted May 9, 1996.

² Assembly AHL committee amendments adopted December 16, 1996.

1 services has received health care.

2 ²[¹A] Upon the request of the health care provider who requested
3 the clinical laboratory services, a² clinical laboratory shall notify the
4 health care provider ²[who requested the clinical laboratory services
5 on behalf of the recipient]² of the amount of the claim, bill or demand
6 for payment that was presented to the recipient or the recipient's
7 responsible third party pursuant to this section.¹

8 Notwithstanding the provisions of this section to the contrary, in
9 the case of a clinical laboratory which performs services at the request
10 of another clinical laboratory, the clinical laboratory may present the
11 claim, bill or demand for payment to the requesting clinical laboratory.

12 ¹Notwithstanding the provisions of this section to the contrary,
13 nothing in this section shall affect a contractual agreement between a
14 clinical laboratory and a third party payer regarding presentation of a
15 claim, bill or demand for payment directly to that third party payer.¹

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17 2. Section 17 of P.L.1975, c.166 (C.45:9-42.42) is amended to
18 read as follows:

19 17. No person shall:

20 a. Operate, maintain, direct, or engage in the business of operating
21 a clinical laboratory, as herein defined, unless he has obtained a clinical
22 laboratory license from the department, or is exempt under the
23 provisions of this act.

24 b. Collect or receive specimens for analysis by an unlicensed
25 laboratory.

26 c. Accept specimens for tests from and make reports to persons
27 who are not legally qualified or authorized to submit specimens to
28 clinical laboratories and to receive such reports, but this shall not
29 prohibit the referral of specimens from one licensed clinical laboratory
30 to another similarly licensed under the laws of the state in which it is
31 located, providing the report indicates clearly the clinical laboratory
32 performing the test and the name of the director of such clinical
33 laboratory.

34 d. Either personally, or through an agent, solicit referral of
35 specimens to his or any other clinical laboratory or contract to perform
36 clinical laboratory examinations of specimens in a manner which offers
37 or implies an offer of rebates to a person or persons submitting
38 specimens, other fee-splitting inducements, participation in any
39 fee-splitting arrangements or other unearned remuneration.

40 e. Obstruct or interfere with the department or any officer or
41 employee thereof in the performance of any duty imposed by this act.

42 f. Collect any amounts that were billed in violation of section 1 of

1 P.L. , c. (C.)(pending before the Legislature as this bill).
2 (cf: P.L.1975, c.166, s.17)

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4 3. Section 18 of P.L.1975, c.166 (C.45:9-42.43) is amended to
5 read as follows:

6 18. a. Any person convicted of violating any provision of this act
7 or of any rule or regulation adopted hereunder shall be subject to a
8 penalty of not less than \$100.00 nor more than \$1,000.00 for each
9 violation. The penalty shall be collected, and enforced in summary
10 proceedings under the Penalty Enforcement Law (N.J.S.2A:58-1 et
11 seq.).

12 b. A person who collects any amounts that were billed in violation
13 of section 1 of P.L. , c. (C.)(pending before the Legislature as this
14 bill), is liable for, and shall refund on a timely basis to the person who
15 was billed, any amounts so collected.
16 (cf: P.L.1975, c.166, s.18)

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18 ¹4. (New section) A clinical laboratory shall annually provide a
19 health care provider with a list of its schedule of fees and charges for
20 laboratory services rendered to the health care provider's patients.
21 The clinical laboratory shall promptly provide the health care provider
22 with an updated list of its schedule of fees and charges whenever any
23 changes are made to the list.¹ ²The clinical laboratory shall include
24 with the list a form to be used by the health care provider to request
25 billing information pursuant to section 1 of this act.²

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27 ¹5. (New section) Nothing in this act shall be construed to prevent
28 a health care provider from including a charge for the interpretation of
29 a laboratory test as part of the health care provider's office visit fee.¹

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31 [4.] 6.¹ This act shall take effect immediately.

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36 Requires clinical laboratories to bill recipients of services directly.