

Ohio Society of Pathologists

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Senator Bill Seitz
Senate Building
1 Capitol Square, 1st Floor
Columbus, OH 43215

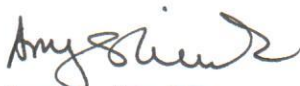
Dear Senator Seitz:

I am writing to you on behalf of the Ohio Society of Pathologists (OSP). The OSP is a state medical specialty society representing many practicing pathologists in Ohio. In 2009, the OSP worked with you in support of HB 493 (Enacted January 6, 2009). This statute regulates billing for anatomic pathology services by, in general, requiring directing billing to the patient or payer by the physician or laboratory that actually performs the service. The purpose of the direct billing requirement, which is also codified in Medicare and Ohio Medicaid, is to prevent the improper markup of these services by ordering physicians who do not perform any component of the service. Currently, 19 states have substantively similar laws.

During the 2009 legislative process the Ohio Dermatological Association (ODA) requested and received an exemption from the law which is set forth at 4731.72 (D) (2). Of the 19 states with direct billing laws for anatomic pathology, none have a similar codified exemption for dermatology. In point of fact, the exemption has no tenable rationale, especially given that skin biopsies are a large volume anatomic pathology service that is susceptible to markup billing activity. The current Ohio law in affording this exemption, and by not prohibiting the markup, thereby deficiently allows circumvention in the law's implicit purpose- to effectively protect the health care system and patients from incurring inflated markup charges.

After several years of collegial discussion between our respective specialties on this matter, the ODA has come to the conclusion that the exemption is not in the best interest of dermatology and should be repealed. They have formally affirmed this position in written communication to us.ⁱ We strongly agree with them and believe that their current interest in repealing the law is commendably appropriate in protection of our mutual patient population. Accordingly, OSP is now seeking the sponsorship of legislative leadership to repeal this exemption as a non-controversial technical amendment to the law, supported by the very medical specialty who requested its original enactment. Thank you for your courtesies and consideration of this request.

Sincerely,



Amy Gewirtz, MD
President, Ohio Society of Pathologists

ⁱ Correspondence of Karl K. Kellawan, MD, President, ODA, to Amy S. Gewirtz, MD, President, OSP. July 26, 2014.