

Oklahoma State Association of Pathologists

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March 27, 2017

Senator Ervin Yen, Chair, Health & Human Services

2300 N. Lincoln Blvd., Room 413

Oklahoma City, OK 73105

(405) 521-5543

yen@oksenate.gov

Senator Bill Brown, Chair, Retirement & Insurance

2300 N. Lincoln Blvd., Rm. 232

Oklahoma City, OK 73105

(405) 521-5602

brownb@oksenate.gov

Re: Oppose Unless Amended House Bill 2216 (Written Estimates by Health Care Providers- Passed House)

Dear Chairman Yen and Chairman Brown:

I am writing to you on behalf of Oklahoma State Association of Pathologists (OSAP) to request opposition or amendment to House Bill 2216 (Passed by House). The OSAP is a state medical society representing many practicing pathologists in the state. **Our medical concern regarding this bill is that it includes a provision that will inadvertently jeopardize quality of patient care in Oklahoma by requiring: the provision of a written estimate of out-of-network medical and pathology services 14 days before the medical service is performed.**

The requirement for a written estimate 14 days prior to the service being performed cannot be reconciled with the basic demands of many pathology procedures for which the service is unanticipated. For example, some surgical specimens are unexpected and require prompt analysis to be reported to a surgical team while the patient is under anesthesia and undergoing a surgical or diagnostic procedure. This analysis cannot be delayed without the potential for patient harm. Quite simply, ethical and legal standards of care do not allow for the performance of these services to be delayed by insurance considerations, as such could be detrimental to quality and to the actual performance of the service.

In the case of anatomic pathology, which involves the diagnosis of tissue specimens (i.e. biopsies), a pathologist cannot predict the type or number of specimens or anticipate what separate studies may be necessary. The type of specimen or complexity of the analysis is often not known in advance of the initial microscopic analysis conducted by the pathologist, making it impossible to provide a reliable estimate of charges or cost.

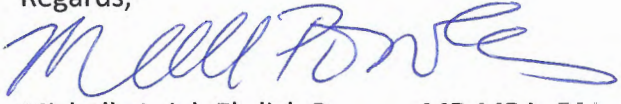
It is for this very reason that the requirement for a physician written estimate were rejected by both the bi-partisan National Association of Insurance Commissioners (NAIC) and the bi-partisan National Conference of Insurance Legislators (NCOIL) in their consideration of model legislation on this issue.

In order to protect the quality of health care in Oklahoma, we urge that the bill be amended to delete this requirement for a written estimate by a health care provider to be provided to the patient 14 days in

advance of services; or alternatively, the requirement should be exclusively placed upon the health insurance carrier, or the legislation should be rejected.

Thank you for your consideration of our comments.

Regards,

A handwritten signature in blue ink, appearing to read "Michelle Powers", written over a light blue rectangular background.

Michelle Leigh Ehrlich Powers, MD, MBA, FCAP
President, Oklahoma State Association of Pathologists

cc: Ken King, Oklahoma State Medical Association
Barry Ziman, College of American Pathologists