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### **REQUEST FOR AMENDMENT TO SB 210**

The following points are being raised in objection to Senate Bill 210, which does not take into account the role of pathology and laboratory services in health care delivery:

1. Under the legislative language of SB 210 a patient who voluntarily selects an out-of-network laboratory would have the bill from the laboratory designated a "surprise bill" which is, as a purely factual matter, not the case when a patient voluntarily selects an out-of-network laboratory. Accordingly, as is the case under current law, a patient who voluntarily selects an out-of-network laboratory provider or pathologist is expecting the bill to be out-of-network and thus should be responsible for payment to that provider.
2. There are two highly feasible reasons patients would select an out of network pathology provider: 1) Patients may need to select an out-of-network provider for specialized pathology testing on a specimen which is not provided in-network, or 2) patients may select an out-of-network provider to secure a pathology second opinion on a specimen.
3. In addition, patients who are under anesthesia for a procedure or otherwise incapacitated cannot voluntarily select an out-of-network laboratory provider. These out of network pathology services must be performed under routine and urgent standards of care by the out-of-network provider. Accordingly, because of the urgent and immediate nature of the pathology services rendered, such services should be

designated “emergency services.” The current definition of emergency services does not include such laboratory and pathology services.

**In order to address points 1 and 2, we urge that the bill be amended to exempt out-of-network laboratory services voluntarily selected by the patient. In order to address point 3, we urge that the bill be amended to designate urgently needed pathology and laboratory services provided when the patient is incapacitated as “emergency services.”**