

Policy

Subject: Prohibited Practices: Items and Services Pathologists May Provide in the Collection of Pathology Samples

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General Principles

This Policy provides guidelines for Pathologists in relation to what the College considers are appropriate items and services for a Pathologist or Pathology Practice to provide to requesting practitioners or their practices. While the Policy covers legislative issues for Australia, it is felt that the same principles will apply in other countries.

Relevant Australian Legislation

If a person who provides pathology services, or who is a proprietor of premises where pathology services are performed, offers direct or indirect inducement to encourage a practitioner to request a pathology service, it is an offence under subsection 129AA(1) of the *Health Insurance Act 1973*. An inducement includes money, property or any other benefit or advantage.

Similarly, a requestor or employee of a requestor who without reasonable excuse, asks, receives or obtains or agrees to receive or obtain, any property, benefit or advantage from a person who provides pathology services is guilty of an offence against subsection 129AA(1) of the *Health Insurance Act 1973*.

It is necessary to keep in mind that such action is a potential breach of an Approved Pathology Practitioner and/or Approved Pathology Authority Undertaking and may result in the Undertaking being revoked for a period of up to five years.

Prohibited pathology practices are set out in Part IIBA—*Prohibited practices in relation to pathology services and diagnostic imaging services* of the *Health Insurance Act 1973*. The offence carries a maximum penalty of five years imprisonment.

Guidelines on Items and Services considered appropriate to Provide to Requesting Doctors

1. Items

Under an agreement between the Royal College of Pathologists of Australasia (RCPA) and Medicare Australia there are a number of items that clearly may be provided by Pathologists, without contravening subsection 129AA(1) of the *Health Insurance Act 1973* (the Act). In general, these are items which can either only be used for the collection of specimens for pathology testing or if other uses are possible, when supplied by Pathologists to referrers, will only be used for collection purposes. These are mostly single use items that can only be employed in the collection of pathology samples.

Acceptable Items

- **Blood collection:**
 - Needle Barrel Holders
 - “Vacutainer” (or equivalent tubes for collection)
 - Syringes 5mL or larger
 - Needles 21, 23 gauge
 - “Alcowipes” (or similar individual alcohol wipes)
 - Spreaders for blood films
 - Small test tube racks
- **Cervical cytology collection materials**
 - Spray fixative
 - Cervix spatulas
 - Cyto brush
 - Disposable Vaginal Specula
 - Direct to vial kits
 - Slides and slide carriers/holders
- **Anatomical Pathology**
 - Formalin or other fixative
 - Appropriate containers and media for specimens
 - Punch biopsy instruments
- **Microbiological specimens**
 - All microbiological swabs and transport media
 - Urine containers
 - Faeces containers
 - Paediatric urine collection kits
 - TB specific collection receptacles
 - Blood culture bottles
 - Petri dishes/fungal cards
 - Specimen biohazard bags/rubber bands
- **Non cervical cytology**
 - Appropriate containers and media for urine, sputum and other body fluid cytology and cytology samples collected directly from tissues by the procedure of Fine Needle Aspiration Cytology (FNA).
- **Chemical Pathology**
 - Timed urine (eg. 24 hour) collection containers
 - Faecal fat collection containers
 - Glucose drink for GTT
 - Centrifuges, but to remain the property of APA, and only if practice demographics (in terms of time) from laboratory are such that failure to separate sera/plasma will damage specimen.
- **Stationery/Instruction Sheets**
 - Paper or electronic request pads/forms
 - Medicare assignment forms DB3
 - Repatriation assignment forms
 - Telephone result pads
 - Stock request pads

Miscellaneous forms eg tube guides, practice information handbooks
All patient instruction sheets/ education material

- **Other**

Fridge and centrifuge, where refrigeration and centrifugation is vital for the preservation of specimens (ie. Laboratory being a long distance from collection point). Fridge and centrifuge should be labelled with Pathology Company name, and used exclusively for pathology purposes.

Provision and collection of sharps containers for pathology collection waste only. The size and number of containers provided by the laboratory should be commensurate with the volume of pathology testing submitted to the laboratory.

Insulated containers such as eskies for specimen transport, wet ice/dry ice (must be labelled as property of laboratory).

Other specimen transport containers (must be labelled as property of laboratory)

Specimen pick up receptacles (eg night boxes), must be labelled as property of laboratory)

Pathology download software specifically to retrieve pathology results for the laboratory.

Pathology download software which is part of a larger suite should not be provided; where such additional functionality cannot be separated from the pathology down loading, then a written licence agreement must exist prohibiting the use of the non-pathology downloading components.

Items or services not acceptable

1. Hand wash pumps or soaps, disposable towels or underpads, dressing packs. Suture material, local anaesthetic, sterile gloves, wound dressings, tissues, disposable gloves, Micropore tape, Band Aids or Elastoplast, tongue depressors, scalpel blades, cotton balls.
2. Bleeding chairs/couches/other furnishings, Sphygmomanometers, thermometers, respiratory function equipment, specimen trolley.
3. ECG paper or other ECG equipment.
4. Fax machines/photocopiers, computers/printers, phone lines/internet connection.
5. 2 mL syringes; needles other than 21 and 23 gauge.

If items are not listed in the 'Acceptable Items' or are listed in 'Items or services not acceptable', they should not be provided to requesting practitioners.

A pathologist can provide the acceptable items to a practitioner requesting pathology services only when these items are used for pathology specimen collection. There is no obligation for a Pathologist to supply any of the approved items to a requesting practitioner.

2. Services

Any services not directly related to the provision of pathology services should only be provided to requesting practitioners on a truly commercial basis.

Specific services identified as not appropriate for pathologists to provide free of charge or at reduced rates include:

- Collection of Waste
- Sterilisation services.