

## Report to ASCLS-NJ Members

Kim Przekop, GAC Member

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### Government Affairs Committee (GAC) Report:

- Five new members added to GAC at annual ASCLS meeting in July 2014 (total of 17 core members, with an additional 12 members who are liaisons to other boards/organizations, or legislative consultants, or permanent advisory members)
- The GAC and its members are in constant contact with government officials and other organizations that impact laboratory services and education.
- GAC members write articles for *ASCLS Today* and the *CLS Journal*.
- I am the only member from Region II, so I was named the Region II Liaison (Kyle Riding has taken a position in another committee). My mentor is Becky See from Region VII.
- I will be reaching out to the state presidents/government liaisons in Region II for updates on any pertinent legislation in their state
- GAC has monthly conference calls; in-person meetings are in March (Leg. Day in DC) and July (ASCLS annual meeting)
- Several current government issues are of concern to the laboratory:
  1. Workforce Investment Act was signed mid-July. This act has not been renewed since 2003. Thanks to all the members who lobbied for this bill in March! There is \$4 billion associated with this bill, and we hope that new MLS programs will result. Local boards are now authorized; GAC will be explaining this bill in the near future to members and asking them to be involved in the disbursement of these funds.
  2. Patients now have access to their laboratory results per federal law signed in April 2014. Laboratories must comply by October 6<sup>th</sup>. The rules state that the lab results must be available to a patient, without a physician's authorization, within 30 days of request. Large labs are using the web to create portals for patients to access lab results. Of concern are the interpretations by patients of those tests, and the logistics in smaller labs of giving the results to the patients. (Article in the Wall Street Journal 9/16/14- interesting!)
  3. Workforce efforts: ASCLS is asking the Health Resources and Services Administration (HRSA) to add Allied Health professions to the healthcare workforce categories. Currently, there is no recognition (or

funding) of Allied Health professions, only nursing/public health and medicine/dentistry. ASCLS and AACC joined forces with the professional organizations from other allied health professions and sent a letter to the HRSA requesting funding based on workforce shortages. Funding for PhD and other doctoral programs was also brought up.

4. Veteran's Affairs (VA) hospitals update: Congress passed a bill for \$15 billion (\$5 billion of it for new healthcare workers) in response to long wait times at VA facilities. Money is added to the national debt. CLS may benefit from opportunities to recruit for new positions. Patients far away from a VA facility can now go to a private facility, possibly helping smaller hospitals and clinics.
5. Cuts under Medicare for lab services law- signed April 1<sup>st</sup> as part of PAMA legislation (Preserving Access to Medicare Act). The proposed rule will be out this fall and the final rule published by 7/1/15. The cuts begin in 2017. Data on reimbursement from payers will set the market pricing for the fee schedule. All labs must submit data on reimbursement for lab tests by 2016. Our concern is the definition of a particular test, how the tests are compared to each other, and then how the final payment rate is calculated. CMS is interested in working with us, and so is the AMA. ASCLS is drafting a letter to CMS, and will be lobbying the American Association of Hospitals (AHA) to make sure they submit data on reimbursement charges. Currently, there are two lawsuits against PAMA: one that subsidies are legal, and one that they are illegal. The lawsuits will be heard by the judiciary committee.
6. Lab-developed tests (LDT)- ASCLS sent letters to 5 senators from the Office of Management and Budget (OMB) to move on FDA's regulations that are restricting the use of lab-developed tests. Of interest is whether the FDA will only exercise authority over new LDT or will want to categorize a minor change as a "new" test. The FDA sent a notice to Congress of its intent to publish the regulations in a few weeks; if there is a comment period, ASCLS will respond.
7. The Office of the Inspector General (OIG) released a fraud report for clinical laboratories identifying 13 categories of schemes for potential fraud. ASCLS Legislative consultant thinks that the OIG may be trying to reimburse labs based on quality. ASCLS will be meeting with OIG.
8. The Coalition for Clinical Workforce met in Chicago recently. Elissa Passiment, ASCLS Executive Vice President, attended, as did

representatives from AACC and other allied health professions. This group is pushing for the Allied Health Training bill.

9. The Newborn Screening Act (reintroduced to release funds for legislation already in force) has passed the House and is now in the Senate. We think this bill should pass easily- it refunds genetic testing for newborns. Thanks to all who sent emails and called their representatives!
  
10. The Lab Institute will meet in Washington, DC October 15-17, 2014. This meeting covers government issues and compliance. ASCLS is sending 4 representatives (President, Executive Vice President, GAC chair, and another member).

Congress will be in session a few more weeks, and then break for re-election activities. No news on whether a lame-duck session will occur after the holidays (we don't think so), or the next new session will be the first session after the New Year. The compositions of the House and Senate are not expected to change significantly after elections. In general, the House is moving any healthcare bills faster than the Senate.

Communication from GAC to ASCLS Members: The e-newsletter was just sent out to members; *ASCLS Today* will be out quarterly as usual.

Respectfully Reported by Kim A. Przekop

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CLS Program