

State Licensure Update: Giving Voice to the Value and Vision

KATHY HANSEN, DON LAVANTY

A session entitled "State Licensure and Legislative Issues" is a perennial event on the ASCLS Annual Meeting agenda. It always draws impressive attendance as various state societies share their experiences in learning about the licensure process, building coalitions with other laboratorians, drafting bill language, finding their way through the state legislature, and responding to those who oppose licensure.

This year's panel of speakers focused mainly on sources of opposition that have been encountered by various state licensure committees, and strategies for responding to that opposition. There was a short introductory portion on licensure basics that can be found in more detail on the ASCLS Web page.

Clinical laboratory science practitioners are licensed in eleven states and Puerto Rico. According to information gathered by the ASCLS Government Affairs Committee, approximately twenty other states are in some phase of licensure activity, from preliminary discussions on through having bills submitted in their state legislatures. Many laboratorians feel passionately about the advantages of licensure to the patients they serve and to themselves as professionals:

- Protect the public health and safety; assure quality of laboratory services,
- Create a mechanism to identify, locate, and mobilize practitioners in the event of a bioterrorism or other public safety threat, and
- Protect the scope of practice of laboratory professionals.

Opposition to proposed state licensure laws has historically come from pathology professional organizations, from state hospital associations, and sometimes from other organizations representing laboratorians, such as the American Association of Bioanalysts (AAB).

However, the American Society for Clinical Pathology (ASCP) issued a policy statement in June 2005, which is solidly in favor of personnel licensure, and puts the organization on the opposite side of the issue from the College of American Pathologists (CAP). The ASCP Policy reads as follows:

"Because the important work performed by laboratory professionals affects the health, safety, and welfare of the

public, the American Society for Clinical Pathology (ASCP) believes that states should license laboratory personnel. Licensure legislation would ensure that laboratory personnel possess appropriate academic and clinical training, pass competency-based examinations conducted by an approved national certifying organization, and participate in continuing education programs."¹

Although the regulations of the Clinical Laboratory Improvement Amendments of 1988 (CLIA '88) have some standards for academic and clinical training, these are considered the minimum level by many in the laboratory profession. CLIA is silent on certification examinations and does not have specific requirements for continuing education.

In preparation for developing its new policy statement paper, ASCP surveyed its members about their opinions on licensure with interesting results:

"Over 68,000 ASCP members, including 7,766 pathologists, were asked to participate in an Internet-based survey. More than 10,000 members, including 544 pathologists, completed the survey. The response rate among the overall membership was 15 percent and slightly more than 7 percent for pathologists. To our knowledge, it is the most comprehensive and detailed survey on the issue of laboratory personnel licensure.

Support for licensure was clear and unequivocal; approximately 72 percent of all respondents indicated support while only 18 percent indicated opposition (10 percent expressed no opinion). The ratio of support to opposition was approximately 4:1. Support for licensure among pathologists was more than 2:1; 62 percent supported licensure while 26 percent were opposed (12 percent expressed no opinion)."¹

In contrast, CAP has testified in opposition to the licensure bill introduced in Massachusetts and its position is also held by the Illinois Society of Pathology, which opposes the proposed bill in Illinois. Their positions have been set forth on their Web site:

- No established link between state licensure of clinical laboratory personnel and discernable improvements in laboratory quality.

- Personnel qualifications are arbitrary, excessively stringent, and not commensurate with the demands of the positions for which licensure is contemplated.
- Licensure would substantially limit entry into the clinical laboratory workforce and exacerbate personnel shortages.
- Legislation would limit the authority of pathologists to select, assign, and qualify personnel.
- Changes in technology require less expertise.²

There are data from the federal agency, the Health Resources and Services Administration (HRSA), that show no significant difference between licensure and non-licensure states in shortages of personnel, and also no significant differences in salaries. The CLIA program has published numerous reports linking failures in quality to untrained personnel. ASCLS emphatically disagrees with the statements that personnel qualifications are excessive and that changes in technology require less expertise. New complex laboratory tests are constantly being introduced. We also believe that, in actual practice, selecting and assigning personnel is the province of the laboratory manager and not the pathologist.

State hospital associations oppose licensure because of personnel shortages and because they fear it will increase

salaries. There are no data to confirm either of these fears. The concerns raised by AAB include opposition to the baccalaureate degree as the requirement for career entry for a clinical laboratory scientist, and fears that some people currently working in these roles would lose their jobs. All licensure bills that have been introduced include a 'grandfather' provision to ensure that no current practitioner would lose their job. They do set standards going forward from the time of implementation.

Licensure efforts take a number of years and are not easy. We are in this for the long haul—if we don't convey the value of the laboratory and our visions for excellence and safety in our very important part of patient care, no one will do it. Will you commit to lending your voice and your energy when called upon? Will you spread the word among your colleagues and help them to become committed as well?

REFERENCES

1. The American Society for Clinical Pathology Policy Statement. State Licensure of Laboratory Personnel (Policy Number 05-02). Lab Med;Sept 2005.
2. Statline. CAP; Massachusetts pathologists block licensure legislation. Federal and State News Briefs 2004;20(16). www.cap.org/apps/docs/statline/stat080404.html. Accessed August 16, 2005



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