

16th Annual ASCLS Legislative Symposium

..... KATHY HANSEN, DON LAVANTY

Another successful ASCLS Legislative Symposium co-sponsored by CLMA was held March 22 and 23, 2004. Eighty-seven participants, representing 39 states, attended.

The meeting began with briefing sessions on Monday, March 22. These were intended to familiarize attendees with the issues which would be part of the lobbying efforts, to provide background education on other bills that they might be asked about at Congressional and Senate offices, and to educate them on how to lobby effectively.

As is typically the case, about half of the participants were attending the Legislative Symposium for the first time. Attendees ranged in experience from six clinical laboratory science students to a handful of members who have attended every year for the 16 years of this event.

The program also included a presentation by Judy Yost, Director of the CLIA program for the Center for Medicare and Medicaid Services (CMS), who presented a summary of the changes that were published on January 12, 2004 in the CLIA surveyors' manual (State Operations Manual), including the controversial provisions for equivalent quality control (EQC).

On Tuesday, March 23, participants made visits to the offices of their Senators and Congresspersons, including those Congressional members from the district where they live, as well as others from their state in some instances.

Three issues were on the docket for our lobbying efforts.

COMPETITIVE BIDDING

The MMA (Medicare Modernization Act) passed late in 2003, which provides prescription drug benefits, also had several provisions relevant to the laboratory. One of these is

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Washington Beat is intended to provide a timely synopsis of activity in the nation's capital of importance to clinical laboratory practitioners. This section is coordinated jointly by Kathy Hansen, Chair of the ASCLS Government Affairs Committee, and Don Lavanty, ASCLS Legislative Counsel. Direct all inquiries to ASCLS (301) 657-2768 extension 3022; (301) 657-2909 (fax); or mail to ASCLS, 6701 Democracy Blvd., Suite 300, Bethesda MD 20814, Attention: Washington Beat.

a directive for the Center for Medicare and Medicaid Services (CMS) to conduct a demonstration project for competitive bidding for laboratory services provided to Medicare outpatients. The laboratory associations are unanimous in their opposition to competitive bidding, which could sacrifice quality and access to rapid testing for decisions based solely on cost. However, since CMS must proceed to work on a competitive bidding model, we feel strongly that CMS should work with an advisory committee of practicing laboratorians to address many concerns about how bids would be solicited and awarded, and how success of the project would be evaluated. We asked the congressional offices to include language in appropriations bills to mandate such an advisory committee and/or to write to Secretary of Health and Human Services Tommy Thompson to urge formation of such an advisory body.

PERSONNEL SHORTAGE

We asked for House co-sponsors and a Senate sponsor for HR 623, the Medical Laboratory Personnel Shortage Act of 2003. Sponsors are Representatives Shimkus, Jackson, and Bilirakis. This bill would provide funding for laboratory education programs, and some scholarships and loan forgiveness for students. We presented factual and anecdotal information about laboratory personnel shortages and their impact on access and quality for the patients we serve.

In addition, on the day that we were making our hill visits, the Allied Health Reinvestment Act (AHRA) was introduced into the House as HR 4016, by Congressmen Stearns of Ohio and Strickland of Florida. We asked for House co-sponsors and a Senate sponsor for this bill as well, and we were successful in getting sponsorship from Senator Cantwell of Washington. The provisions of HR 4016 are similar to those of HR 623, except that they apply to all allied health professions, not just the laboratory. We want to support all avenues that might result in funding for clinical laboratory science education.

DRAWING FEE

We asked for House co-sponsors and a Senate sponsor for HR 883, the Medicare Laboratory Services Access Act of 2003 (Representatives English and Deutsch). The specimen

collection (venipuncture) reimbursement has been \$3.00 since 1984. Costs of providing the service have risen due to the requirements for safer needles, gloves, and other disposable equipment, as well as increases in personnel costs over 19 years. The bill asks for the fee to be raised to \$5.42, which is what it would be if annual inflationary increases had been given. (Note: Even this amount would not cover costs for many laboratories.) The poor reimbursement for collection has been a factor in many laboratories declining to service nursing homes, which limits access to testing for Medicare beneficiaries there.

Legislative Symposium participants are urged to continue their advocacy efforts by staying in touch with Washington staffers they met, visiting the home offices of their elected officials, and inviting their elected officials to tour a clinical laboratory when they are home in their state. On the Washington end,

Don Lavanty, ASCLS legislative consultant, uses the debriefing reports from participants to continue follow-up with offices that have shown interest in supporting our issues.

ASCLS members and other interested laboratorians who have not been able to attend are urged to contact their elected officials by visiting their home offices, or emailing or faxing the Washington office. Tell them about the impact of the laboratory personnel shortage and how it affects your work place, and urge their support of HR623 and/or HR4016. The ASCLS Web page has links to the Web sites www.house.gov and www.senate.gov. If you are unsure who your elected officials are, you can enter your ZIP code on those pages and find out.

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