

# 17th Annual ASCLS Legislative Symposium

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Another successful ASCLS Legislative Symposium co-sponsored by CLMA was held March 21 and 22, 2005. More than 130 participants representing 40 states attended. This was an impressive increase over the 75 to 80 participants that have attended in each of the past few years.

The meeting began with briefing sessions on Monday, March 21. 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, more than half of the participants were attending the Legislative Symposium for the first time. Attendees ranged in experience from clinical laboratory science students to a handful of members who have attended every year for the 17 years of this event.

The program also included a presentation by Judy Yost, Director of the Clinical Laboratory Improvement Act (CLIA) program for the Center for Medicare and Medicaid Services (CMS). Ms Yost presented updates on several aspects of laboratory accreditation. The Government Accountability Office (GAO) is auditing laboratory quality oversight at the request of Representative Elijah Cummings of Maryland. The audit will review the inspection processes conducted by the College of American Pathologists (CAP), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), and COLA. Representative Cummings has introduced a bill that would require unannounced accreditation inspections. Another CLIA initiative is continued focus on the quality of testing in certificate of waiver (COW) laboratories. The random inspection of waived laboratories has resulted in the closure of seven laboratories over the past three years due to practices that were categorized as posing immediate jeopardy to patients. In addition, Ms Yost discussed the new proficiency testing program in gynecologic cytology, which requires every cytotechnologist and pathologist to take an annual practical examination.

On Tuesday, March 22, 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.

## 1. Critical clinical laboratory personnel shortage

We asked for House cosponsors and a Senate sponsor for HR 1175, the Medical Laboratory Personnel Shortage Act of 2005. Authors are Representatives Shimkus, Jackson, and Bilirakis. This bill would provide funding for laboratory education programs and 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.

At the time of our March Capitol Hill office visits, HR 1175 had nine sponsors and co-sponsors. As of mid-May 2005, that number has grown to 25, which is directly attributable to our efforts. Unfortunately, at the time of this writing, there is no Senate sponsor.

## 2. Clinical laboratory fee schedule updates

The Medicare clinical laboratory fee schedule Consumer Price Index update (CPI) has been repeatedly frozen or limited by Congress for most of the past fifteen years, receiving a full CPI update in only two years, a reduced update in five years, and no update at all in eight years. The cuts have adversely affected the nation's safety net of clinical laboratories.

Although 2006 budget proposals to date have not included further cuts for the laboratory, there are still three years left of the current five year freeze. There is concern among laboratory leaders that, given the current budget deficit, Congress will be looking for further savings from Medicare providers, and that cuts in the fee schedule or a patient co-pay may again be proposed.

Our goal on this topic was to educate congressional staffers about the importance of quality laboratory services to Medicare beneficiaries, and to show them the history of the payment reductions that the laboratory has already suffered. We will be watching budget developments closely so that we can respond to any new proposals regarding the fee schedule.

**3. Clinical laboratory fee schedule: time for a change?**

The third issue paper that we discussed on our Capitol Hill visits also addressed the Medicare laboratory fee schedule, which was developed in 1984. While there have been some CPI updates, the relative pricing of laboratory services has not changed to keep pace with changes in technology that make some older tests less expensive to run, but expensive tests based on new technology are often not reimbursed adequately to cover costs. CMS and Congress recognize the limitations of the fee schedule, and this may be a reason why the laboratory is vulnerable to so many cuts.

ASCLS and CLMA are offering the time of laboratory professionals to develop an alternative logic for the fee schedule, possibly based on some sort of relative value unit (RVU) system which is commonly used for other Medicare providers.


Since the Legislative Symposium, the two organizations have scheduled a meeting in late May at which leaders will discuss proposals that might be presented to CMS for a major overhaul of the fee schedule.

Legislative Symposium participants are urged to continue their advocacy efforts by staying in touch with the Washington staffers they met with, 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, 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 HR 1175. The ASCLS Web page has links to the Web sites [www.house.gov](http://www.house.gov) and [www.senate.gov](http://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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