

Clinical Laboratory Practitioners Speak Out on Capitol Hill

PAULA GARROTT

Clinical laboratory professionals representing many levels of practice and a variety of institutions and organizations converged on Washington DC March 17-18, 2008 to attend the 20th Annual ASCLS Legislative Symposium. The symposium, which was co-sponsored by ASCP and CLMA, provides an opportunity for clinical laboratory professionals to review legislative and regulatory issues affecting the clinical laboratory and to meet with members of Congress and their staffs to share the concerns and positions of the laboratory community.

A show of hands determined that about half of the “Leg Day” attendees were first-timers, including a number of students. Also participating this year were the members of the inaugural class of the ASCLS Leadership Academy. The group of individuals that had previously attended included a handful that had attended all twenty Legislative Symposia!

The first day activities were designed to assure that even the “rookies” would be comfortable with the issues and the process of lobbying. The morning session included an overview and impact of legislative and regulatory issues. ASCLS, ASCP, and CLMA staff and legislative liaisons, as well as members of the ASCLS Government Affairs Committee, discussed the federal budget proposals, competitive bidding for clinical laboratory services, potential legislation to modernize the clinical laboratory fee schedule, and the laboratory personnel shortage. Judy Yost from the Centers for Medicare and Medicaid Services (CMS) provided a CLIA update.

The update on the Competitive Bidding Demonstration Project included an overview of the legislative background for the project, a review of bidding requirements, the current status, and the lawsuit that has been filed seeking an injunction to

stop the project in the first demonstration site, the San Diego-Carlsbad-San Marcos metropolitan service area. Emphasis was placed on both the short and long term negative effects of the demonstration project. Since 1987, laboratories have received systematic decreases in reimbursement that represent a 41% real decrease. The competitive bidding project is designed to further decrease laboratory reimbursement. The project is actually anti-competitive since it will have the effect of reducing the number of clinical laboratory service providers in a community. In addition, it will restrict physician choice and negatively impact patient care by decreasing access. Participants were asked to urge Congress to repeal the demonstration and to stop implementation by co-sponsoring and supporting H.R. 3453 and S.2099

Speakers explained that although the clinical laboratory community strongly opposes competitive bidding for laboratory services, we do recognize the need to address escalating healthcare costs and specifically the outdated laboratory fee schedule which has not undergone thorough review since it was established in 1984. The current fee schedule does not adequately address the advancements and changes in technology that have occurred during the last twenty-five years. A proposed piece of legislation, the Clinical Laboratory Fee Schedule Modernization Act, was discussed as a way to revamp the fee schedule. This bill would require the Secretary of Health and Human Services to convene a negotiated rulemaking committee that would result in a modernized, consensus-driven clinical laboratory fee schedule.

Speakers also discussed the increasing shortage of laboratory personnel. The Bureau of Labor Statistics now estimates a need for 15,000 additional laboratory personnel annually through at least 2014. Accredited clinical laboratory educational programs are currently graduating fewer than 5,000 students a year. Congressional action requested to address the shortage included reauthorization of Title VII and restoration of funding to the FY 2005 level of \$300 million. In addition, participants were asked to request that members of Congress co-sponsor S.206, the Allied Health Reinvestment Act. An update was also provided regarding the activities of the Coordinating Council on the Clinical Laboratory Workforce. The CCCLW is a coalition of laboratory organizations, regulatory

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Washington Beat is intended to provide a timely synopsis of activity in the nation's capitol of importance to clinical laboratory practitioners. This section is coordinated by Paula Garrott, Co-chair of the ASCLS Government Affairs Committee; and Don Lavanty, ASCLS Legislative Counsel. Direct all inquiries to ASCLS, (301) 657-2768 ext. 3022, (301) 657-2909 (fax); or mail to ASCLS, 6701 Democracy Boulevard, Suite 300, Bethesda MD 20817, attn: Washington Beat.

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agencies, and industry stakeholders established to address the clinical laboratory workforce shortage. The results of the recent CCCLW strategic planning session were described, including seven practical vision elements and four strategic directions workgroups.

The afternoon session included tips on meeting with members of Congress and their legislative aides. A legislative aide who currently works in a congressional office shared her perspectives about effective lobbying. She provided insight about how the offices are structured and how constituents can best communicate their message. Participants were provided logistical information about how to “get around” Capitol Hill and how to find the offices of senators and representatives.

Participants were given a set of fact sheets (leave-behinds) on each issue and talking points that could be used to facilitate and enhance the meetings with their members of Congress

and/or their legislative aides. State delegations worked in small groups with experienced participants to role play what might occur at the meetings. Participants were reminded that they are the experts in the laboratory and to simply share their experiences as they discuss the issues with the members of Congress.

Armed with information and the confidence derived from experience and preparation, we headed to Capitol Hill! Although the long term effects of our lobbying efforts are yet to be seen, participants felt empowered and energized by the experience. First time attendees began the process of establishing relationships with their members of Congress, while veterans strengthened those relationships. One of the greatest benefits of our system of government is the access we have to our elected officials. We once again learned that our perspectives do count, but only if we participate and share them.

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