



American Society for Clinical Laboratory Science
Voice, Value, Vision

Government Affairs Committee Conference Call
Monday, February 15, 2010

Present on the call: Rick Panning (chair), Elissa Passiment, Don Lavanty, Carol Golyski, Cindy Johnson, Kathy Hansen, Judy Davis, Dave Falleur, Paula Garrott, John Koenig, Donna Reinbold, Joan Longberry, Linda Comeaux, Dana Duzan, Kyle Ridding, Helen Bixenman, Kathy Sudduth and Jonathan Hardy

Excused absence: Leslie Martineau

Health Care Reform Update: Don Lavanty and Elissa Passiment

Speaker Nancy Pelosi, Senator Harry Reid, Senator Mitch McConnell, and Representative John Boehner were sent a letter on February 12, 2010 asking them to join President Obama for a bipartisan meeting at the Blair House on February 25 to discuss health reform legislation. The session will begin at 10:00 a.m. (E.S.T.) and be broadcast live in its entirety.

The letter stated that in recent days that when it comes to health care, the status quo is unsustainable and unacceptable. The proof is right in front of us: just last week, a major insurer, Anthem Blue Cross, announced plans to increase premiums for many of its policyholders in California by as much as 39 percent on March 1. As the President noted this week, if we don't act on comprehensive health insurance reform, this enormous rate hike will be "just a preview of coming attractions. Premiums will continue to rise for folks with insurance; millions more will lose their coverage altogether; our deficits will continue to grow larger."

The letter also stated that the Senate spent over 160 hours on the Senate floor considering health insurance reform legislation and, for the first time in history, both the House of Representatives and Senate have approved comprehensive health reform legislation. This is the closest our Nation has been to resolving this issue in the nearly 100 years that it has been debated.

The members were asked to have one staff member specializing in health care policy in the meeting. In addition there will be representatives from the Office of Management and Budget, Congressional Budget Office and the Joint Committee on Taxation will also be present to provide technical assistance. In addition to the President, attending and participating on behalf of the Administration will be the Vice President, Health and Human Services Secretary Kathleen Sebelius, and Nancy-Ann DeParle, Director of the Office of Health Reform.

The President will offer opening remarks at the beginning of the meeting, followed by remarks from a Republican leader chosen by the Republican leadership and a Democratic leader chosen by the Democratic leadership. The President will then open and moderate discussion on four critical topics: insurance reforms, cost containment, expanding coverage, and the impact health reform legislation will have on deficit reduction.

President Obama is looking forward to a constructive debate with plans that need to be measured against this test: Does it bring down costs for all Americans as well as for the Federal Government, which spends a huge amount on health care? Does it provide adequate protection against abuses by the insurance industry? Does it make coverage affordable and available to the tens of millions of working Americans who don't have it right now? And does it help us get on a path of fiscal sustainability?

What does this meeting mean to the laboratory community?

During the week of Feb. 22 the House is considering a separate bill regarding the current anti-trust exemption for insurance companies. In addition there is an effort to move the existing ERISA conditions and make them federal.

There is renewed discussion that the House may consider passing the Senate version of the bill and then take the opportunity to address differences during the budget reconciliation process that will occur later this year. This would mean the bill that goes to president Obama would include the 1.75% 5-year reduction on the Medicare lab fee schedule. Any other proposed changes impacting the laboratory (i.e. an additional productivity adjustment or a provider tax) would have to occur during the reconciliation process.

Fee Schedule Modernization Bill: “Stupak” Bill

On March 12, 2009, through the efforts of CLMA and ASCLS, Representatives Bart Stupak (MI) and Michael Burgess (TX) introduced the "Medicare Clinical Diagnostic Laboratory Fee Schedule Modernization Act of 2009 (HR 1452)." The purpose of this bill is put in a place a Negotiated Rulemaking process to modernize the Part B fee schedule for clinical diagnostic laboratory tests.

The “Stupak” bill was intended to be budget neutral. The Health Care Reform proposed legislation has indicated that there will be need to be a reduction in reimbursement for the laboratory. It has been proposed that we use the “Stupak” bill methodology to frame the reductions.

At this time Christopher Young (CLMA’s Government Affairs Representative) is taking this concept to CLMA’s Health Care Policy Committee for their input.

The basic message that Don is communicating on the Hill is that any changes impacting the laboratory need to have input from the industry and that the Stupak bill should be the vehicle which would require a negotiated rulemaking process to determine the details of proposed changes.

Laboratory Developed Tests:

Elissa did not have an opportunity to have a conversation with FDA at CLIAC meeting which was held February 8-9, 2010 regarding CAP’s proposal for a tiered regulatory model for these tests. Elissa will contact the FDA next week.

CLIAC Meeting - Discussion Items:

Judy Yost stated that there is a need to amend CLIA – administrative “tweaking” due to the increase in waived testing and the Information Technology (I.T.) component. The significant approval of waived tests has raised a patient safety concern from CMS. Congressional awareness of the patient safety concerns is the route that Judy Yost would like to take to help amend CLIA. This message can be brought forward as CMS drafts a letter to Congress.

I.T. concern meaningful use requirements have raised a concern from ACLA (Quest/LabCorp) regarding the ability for the large national reference labs to populate Electronic Medical Records (EMR) or the ability to send results to an authorized provider or designee (such as an HEI). The ultimate question becomes where does the lab request begin and end. Under CLIA, there is a requirement that the laboratory not only needs to see how results populate the Laboratory Information System (LIS), but also the ultimate system that houses the patient record (EMR/EHR). CLIA cannot supersede state law. ONC (Office of National Coordinator for IT) Health information technology working with states from the Medicaid program. Brookings Institute has an initiative with the Federal government and shows that there are issues in 24 states while 26 are silent.

Elissa will work with Judy Yost on talking points around this issue. It was also recommended that we get a copy of the CMS letter that will be sent to our congressional leaders about CLIA regulations.

GAC Publications/Articles:

- **ASCLS Today Newsletter (March edition):** Article about the CapWiz tutorial which was written by Leslie Martineau was submitted on February 1, 2010.
- **ASCLS Today Newsletter (April edition):** No GAC article will be submitted for this edition.
- **CLS Journal, Washington Beat column** - It was recommended that an article be written the current status of healthcare reform legislation, the reconciliation process and the potential impact on the clinical laboratory. Don Lavanty will proceed with writing this article. Judy Davis, Rick Panning and Cindy Johnson will review the article. The deadline is March 1, 2010.
- "ASCLS Voice" article for **ADVANCE**: The ASCLS Promotion of the Profession Committee (PPC) has asked Cindy Johnson to write an article highlighting the 2010 Legislative Symposium. The deadline to submit this article is March 21, 2010.
- GAC e-Newsletter – Issue #4: Rick will send the next edition within the next two weeks highlighting the information discussed during this conference call and a preview of the upcoming Legislative Symposium.
- GAC e-Newsletter - Issue #5: This edition will contain an overview of the Legislative Symposium.

Legislative Symposium Planning:

The proposed agenda was reviewed by the GAC. Elissa is waiting to hear back from the other sponsoring organizations before the agenda is finalized. **Note:** Following this conference call Rick contacted Jeff Jacobs as ASCP to ask for the DOL speaker and an ASCP member to participate in the panel. An ASCP member has been identified and communicated to Elissa. The DOL Grant administrator in Minnesota is working on a DOL speaker. CLMA was also contacted – President, CEO and Past-president – to nail down the CLMA participants in the Legislative Symposium

Legislative Symposium – GAC Committee Meeting: The GAC will meet on Sunday evening March 14th at 5:00 PM at the Hyatt Regency Crystal City hotel. We highly encourage all interested ASCLS members to attend this meeting. Cindy Johnson will be chairing this meeting in Rick's absence.

ASCLS Interim Board Meeting: March 14, 2010

GAC Board report submitted to Carol Golyski on February 12, 2010 by Rick Panning. The report was attached to the agenda for the GAC to review.

GAC Strategic Action Plan:

The GAC Strategic Action Plan was attached to the agenda. Please review the plan prior to the next conference call (April 19, 2010).

There will be no March conference call...the GAC will meet on March 14th in Washington, D.C.

Next conference call: April 19, 2010 @ 11:00 AM Central