



American Society for Clinical Laboratory Science  
*Voice, Value, Vision*

***Government Affairs Committee (GAC)***  
***e-newsletter***  
***Issue #2 – December 2009***

One of the strategic goals of our committee for 2009-2010 is to improve communication to the broader ASCLS membership and to provide a more consistent face to our members, in keeping with President Mary Ann McLane's "provide the face" initiative. The GAC e-newsletter will also be available on the *ASCLS Advocates for You* section of the ASCLS website for your convenience.

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**Health Care Reform Update**

As this is being written, the Senate is in the midst of passing their version of health care reform after the House passed their version in November. Don Lavanty, our legislative consultant, Elissa Passiment, our Executive Vice President, and the Government Affairs Committee (GAC) have been staying on top of this issue and developing our ASCLS positions.

Before going into the lab specific details of the two reform bills, a little refresher about laboratory reimbursement might be in order.

- When clinical laboratories perform testing on Medicare beneficiaries on an outpatient basis (hospital outpatients, clinics, etc.), the laboratories are reimbursed based on the Clinical Laboratory Fee Schedule (CLFS).

- Each test is reimbursed a specific fee based on the procedure code (CPT) for the test. The fees were originally determined in 1984 and have basically been decreased over time. Although we are supposed to get a "cost of living" adjustment to the fee schedule each year, in most years we have either been frozen or cut in order to meet federal budget goals.

- One of the ground rules of health care reform is that it not add cost to the federal government and therefore many segments of health care, such as the laboratory, are being called upon to finance the cost. For the laboratory, that will happen through adjustments (i.e. decreases) in the CLFS.

**At this time the impact for the clinical laboratory industry in the two bills is as follows:**

- The **Senate version of the bill** will include a productivity adjustment starting in 2011. The productivity adjustment would never reduce the update below zero (currently for 2010 we will receive a cut of 1.9% with the current fee schedule annual adjustments). The Senate bill makes

an additional cut of 1.75% to the annual fee schedule adjustment for 2011-2015. This will reduce the update to below zero in each of those years.

- The **House version of the bill** would apply a productivity adjustment with no protection that the adjustment could be less than zero. We are hopeful that during the conference committee process with the Senate, that the Senate language on not having the productivity adjustment fall below zero will be adopted.

On December 21, the GAC voted to support having ASCLS sign on to a Clinical Laboratory Coalition letter to House congressional members supporting their efforts in passing health care reform. We are committed to ensuring access to affordable high quality health care for all Americans and seek to work with the Congress toward final passage of comprehensive health care reform legislation. We understand that the entire health care industry needs to play their part in financing this important legislation. The productivity adjustments assessed on the clinical laboratory community in the House legislation will achieve a balance that provides significant funding for health reform while ensuring that appropriate laboratory services can continue to be accessed by Medicare beneficiaries. **We feel strongly that the clinical laboratory community cannot sustain any additional cuts beyond those outlined in the H.R. 3962 without negatively impacting access to care for the most vulnerable Medicare beneficiaries.**

We will continue to follow Congressional action on healthcare reform after the holidays when the House and Senate versions of the bill will need to be reconciled in conference committee. We are likely to be asking for your advocacy support with your Representatives and Senators at that point. We will be utilizing the *CapWiz* software to connect with our members and for them to contact their legislators.

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## **2010 ASCLS/CLMA/ASCP/AMT Legislative Symposium**

This event is jointly sponsored by ASCLS, CLMA, ASCP and AMT. This is an opportunity for each of you to “provide the face” of our profession with our elected senators and representatives.

As in years past, there will many legislative issues impacting our profession, including the impacts of health care reform, reimbursement changes, and workforce funding, just to name a few. This is the opportunity to have your voice and those of your colleagues heard on Capitol Hill. We have made a difference before and we can make a difference again.

The registration form for the symposium along with the hotel information is available on the ASCLS website at the following link:

<http://www.ascls.org/conferences/2010LegDay/Flyer%20LEGDAY%202010.doc>

Let’s make it a goal to have all of our states represented!

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For more information contact Rick Panning, GAC chair at [rick.panning@allina.com](mailto:rick.panning@allina.com) or 612-262-5012

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