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Eighty-Eight Members of Congress Sign Bipartisan Letter to HHS Requesting Delay of PAMA

Washington D.C. – Eighty-eight members of the U.S. House of Representatives, including a majority of the Ways and Means Committee and the Energy and Commerce Committee, have signed a letter to U.S. Department of Health and Human Services Secretary Sylvia Matthews Burwell requesting immediate action to address serious concerns with the process outlined in the Protecting Access to Medicare Act of 2014 (PAMA) regulations to establish a market-based payment system for the Clinical Laboratory Fee Schedule (CLFS). The letter was led by Congressmen Greg Walden (R-OR), Patrick Meehan (R-PA), Steve Chabot (R-OH) and Nydia Velazquez (D-NY) and supported by the National Independent Laboratory Association (NILA).

The letter from the 88 Members of Congress states that many clinical laboratories, particularly small community and regional laboratories, may not have the necessary reporting capabilities in place, and these laboratories could struggle to report data and comply with the regulations, resulting in significant problems for implementation efforts. The impact of these regulations could also threaten the ability of small laboratories to provide services to Medicare beneficiaries.

The laboratory payment reform mandated by PAMA relies on an assessment of private market rates for laboratory services based on data reported by applicable laboratories. Members of Congress stressed the importance of allowing adequate time for laboratories to comply with the reporting requirements that have only recently been issued.

Congressional signers are urging HHS Secretary Matthews Burwell to address concerns about obtaining accurate payment rate information for automated panels and related chemistry tests that are primarily used by physicians to manage patient care. Signers are asking that CMS work with laboratory representatives to develop a manageable reporting solution to capture data in order to set payment rates for these tests. Signers stressed the importance of verifying the accuracy of data and said that CMS must ensure that data can be captured correctly for all tests.

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Members of Congress urged CMS to consider flexibilities in implementation to ensure that the data that serves as the basis of the new payment system is sound. Laboratories will be subject to significant civil monetary penalties if they are unable to report data based on the current timelines or report inaccurate information. Rushed and incomplete data collection risks inaccurate rate setting, which would negatively impact small community and regional laboratories and the patients they serve.

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NILA members are community and multi-state regional independent clinical laboratories working with physician practices, hospitals, outpatient care settings, skilled nursing facilities, and home health patients to provide essential clinical laboratory services to Medicare beneficiaries, particularly those in underserved communities and hard-to-reach care settings. Every day, NILA members provide diagnostic laboratory services and results upon which physicians base their clinical decisions for the Medicare beneficiaries they serve.