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116TH CONGRESS
1ST SESSION

H. R. 3584

To amend title XVIII of the Social Security Act to provide for certain amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019

Mr. PETERS (for himself, Mr. PASCRELL, Mr. HUDSON, Mr. HOLDING, and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend title XVIII of the Social Security Act to provide for certain amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Laboratory Access for Beneficiaries Act'' or the ''LAB Act''.

SEC. 2. AMENDMENTS RELATING TO REPORTING REQUIREMENTS WITH RESPECT TO CLINICAL DIAGNOSTIC LABORATORY TESTS.

(a) REVISED REPORTING PERIOD FOR REPORTING OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT OF MEDICARE PAYMENT RATES.—Section 1834A(a) of the Social Security Act (42 U.S.C. 1395m–1(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Beginning January 1, 2016'' and inserting the following:

''(A) GENERAL REPORTING REQUIREMENTS.—Subject to subparagraph (B), beginning January 1, 2016''; and

(B) by adding at the end the following:

''(B) REVISED REPORTING PERIOD.—In the case of reporting with respect to clinical diagnostic laboratory tests that are not advanced diagnostic laboratory tests, the Secretary shall revise the reporting period under subparagraph (A) such that—

''(i) no reporting is required during the period beginning January 1, 2020, and ending January 1, 2021;

"(ii) reporting is required during the period beginning January 1, 2021, and ending March 31, 2021; and

"(iii) reporting is required every three years after the period described in clause (ii)."; and

(2) in paragraph (4)—

(A) by striking "In this section" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), in this section"; and

(B) by adding at the end the following:

"(B) EXCEPTION.—In the case of reporting during the period described in paragraph (1)(B)(ii) with respect to clinical diagnostic laboratory tests that are not advanced diagnostic laboratory tests, the term 'data collection period' means the period beginning January 1, 2019, and ending June 30, 2019.".

(b) CORRECTIONS RELATING TO PHASE-IN OF REDUCTIONS FROM PRIVATE PAYOR RATE IMPLEMENTATION.—Section 1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–1(b)(3)) is amended—

(1) in subparagraph (A), by striking "through 2022" and inserting "through 2023"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking ''through 2019'' and inserting ''through 2020''; and

(B) in clause (ii), by striking ''2020 through 2022'' and inserting ''2021 through 2023''.

SEC. 3. STUDY AND REPORT BY NATIONAL ACADEMY OF MEDICINE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Centers for Medicare & Medicaid Services (referred to in this section as the ''Administrator'') shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the ''National Academies'') to conduct a study to review the methodology the Administrator has implemented for the private payor rate-based clinical laboratory fee schedule under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(b) SCOPE OF STUDY.—In carrying out the study described in subsection (a), the National Academies shall consider the following:

(1) How best to implement the least burdensome data collection process required under section

1834A(a)(1) of such Act (42 U.S.C. 1395m–1(a)(1)) that would—

(A) result in a representative and statistically valid data sample of private market rates from all laboratory market segments, including hospital outreach laboratories, physician office laboratories, and independent laboratories; and

(B) consider the variability of market segments by laboratory procedure code.

(2) Appropriate statistical methods for estimating rates that are representative of the market.

(c) REPORT TO CONGRESS.—Not later than the date that is 18 months after the Administrator enters into the agreement described in subsection (a) with the National Academies, the National Academies shall submit to the Administrator, the Committee on Finance of the Senate, and the Committees on Ways and Means and Energy and Commerce of the House of Representatives a report that includes—

(1) conclusions about the methodology described in such subsection; and

(2) recommendations on ways to improve such methodology.

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