

HOUSE BILL REPORT

HB 1070

*As Reported By House Committee on:
Health Care*

Title: An act relating to medical test sites.

Brief Description: Repealing provisions regarding medical test sites.

Sponsor(s): Representatives Braddock, Moyer and Zellinsky.

Brief History:

Reported by House Committee on:
Health Care, March 6, 1991, DPS.

**HOUSE COMMITTEE ON
HEALTH CARE**

Majority Report: *That Substitute House Bill No. 1070 be substituted therefor, and the substitute bill do pass.*
Signed by 6 members: Representatives Braddock, Chair; Moyer, Ranking Minority Member; Franklin; Morris; Paris; and Sprenkle.

Minority Report: *Do not pass.* Signed by 5 members: Representatives Day, Vice Chair; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; and Prentice.

Staff: Bill Hagens (786-7131).

Background: In 1989 the Legislature passed the **Medical Test Site Licensure Act**. This act was adopted in response to the federal **Clinical Laboratory Improvement Amendments of 1988**, commonly referred to as "**CLIA 88**", which requires licensure of any facility performing clinical laboratory testing in the United States. A provision in the federal act permits any state to pass a statute similar to CLIA 88, and if it does so, greater flexibility is afforded to that state, thus the state law. Although the federal law was adopted in 1988, the corresponding federal rules are yet to be adopted. Officials of the federal Department of Health and Human Services have indicated the rules will be finalized in the Spring of 1991.

Although physicians were initially very supportive of a state version, they are now opposing the act because fees are too high, rules are cumbersome, and since the federal

rules are not promulgated, a state law adopted in response to the federal law was premature.

Summary of Substitute Bill: Legislature intent is set forth to assert that the licensure of medical testing conducted by physicians in their place of business shall be governed only by the provisions of the federal Clinical Laboratory Improvement Amendments of 1988 and related sections of the code of federal regulations. Therefore, the provisions of state law shall not apply to such medical testing. The secretary of health is required to monitor the requirements of this act and report to the Legislature by December 1, 1992, on their effects upon medical testing quality assurance.

Substitute Bill Compared to Original Bill: The original bill would have completely repealed the state law, rendering the status of medical testing site licensure **status quo ante lex**. Thus there is no governing statute and testing sites would be subject to subsequently adopted federal rules. The adopted measure renders the state law inoperative only for physicians.

Fiscal Note: Requested January 21, 1991.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The existing law is meddlesome and interferes with the important work of doctors. It also places an additional financial burden on physicians who are already under financial stress.

Testimony Against: The bill as passed does not make sense because it creates a bifurcated licensure system and, for a period at least, permits unlicensed testing in the sites where a great deal of problems have occurred.

Witnesses: Sherman Cox and Pat O'Brien, Department of Health (con); Tom Curry and Susie Tracy, Washington State Medical Association (pro); Rhonda Pikelny, Group Health Lab (con); Becky Bogard, Laboratory of Pathology (con); Joan Carlson, LASSA Northwest (con); Pat Pierce, Eastside Medical Lab (con); Joan Gaumer and Wayne Ketchersid, Washington State Society of Medical Technicians (con); Carrie Bashaw, Washington Health Care Association (con); Gail Toraason-McGaffick, Home Care Association of Washington (pro); Robert Gibb (con); Alice Cabe (con); and Carole Washburn, Department of Health.