

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019

Mr. PETERS (for himself, Mr. PASCARELL, 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Laboratory Access for  
5 Beneficiaries Act” or the “LAB Act”.

1 **SEC. 2. AMENDMENTS RELATING TO REPORTING REQUIRE-**  
2 **MENTS WITH RESPECT TO CLINICAL DIAG-**  
3 **NOSTIC LABORATORY TESTS.**

4 (a) REVISED REPORTING PERIOD FOR REPORTING  
5 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH-  
6 MENT OF MEDICARE PAYMENT RATES.—Section  
7 1834A(a) of the Social Security Act (42 U.S.C. 1395m-  
8 1(a)) is amended—

9 (1) in paragraph (1)—

10 (A) by striking “Beginning January 1,  
11 2016” and inserting the following:

12 “(A) GENERAL REPORTING REQUIRE-  
13 MENTS.—Subject to subparagraph (B), begin-  
14 ning January 1, 2016”; and

15 (B) by adding at the end the following:

16 “(B) REVISED REPORTING PERIOD.—In  
17 the case of reporting with respect to clinical di-  
18 agnostic laboratory tests that are not advanced  
19 diagnostic laboratory tests, the Secretary shall  
20 revise the reporting period under subparagraph  
21 (A) such that—

22 “(i) no reporting is required during  
23 the period beginning January 1, 2020, and  
24 ending January 1, 2021;

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

4 “(iii) reporting is required every three  
5 years after the period described in clause  
6 (ii).”; and

7 (2) in paragraph (4)—

8 (A) by striking “In this section” and in-  
9 serting the following:

10 “(A) IN GENERAL.—Subject to subpara-  
11 graph (B), in this section”; and

12 (B) by adding at the end the following:

13 “(B) EXCEPTION.—In the case of report-  
14 ing during the period described in paragraph  
15 (1)(B)(ii) with respect to clinical diagnostic lab-  
16 oratory tests that are not advanced diagnostic  
17 laboratory tests, the term ‘data collection pe-  
18 riod’ means the period beginning January 1,  
19 2019, and ending June 30, 2019.”.

20 (b) CORRECTIONS RELATING TO PHASE-IN OF RE-  
21 Ductions FROM PRIVATE PAYOR RATE IMPLEMENTA-  
22 TION.—Section 1834A(b)(3) of the Social Security Act  
23 (42 U.S.C. 1395m–1(b)(3)) is amended—

24 (1) in subparagraph (A), by striking “through  
25 2022” and inserting “through 2023”; and

1 (2) in subparagraph (B)—

2 (A) in clause (i), by striking “through  
3 2019” and inserting “through 2020”; and

4 (B) in clause (ii), by striking “2020  
5 through 2022” and inserting “2021 through  
6 2023”.

7 **SEC. 3. STUDY AND REPORT BY NATIONAL ACADEMY OF**  
8 **MEDICINE.**

9 (a) **IN GENERAL.**—Not later than 90 days after the  
10 date of the enactment of this Act, the Administrator of  
11 the Centers for Medicare & Medicaid Services (referred to  
12 in this section as the “Administrator”) shall enter into an  
13 agreement with the National Academies of Sciences, Engi-  
14 neering, and Medicine (referred to in this section as the  
15 “National Academies”) to conduct a study to review the  
16 methodology the Administrator has implemented for the  
17 private payor rate-based clinical laboratory fee schedule  
18 under the Medicare program under title XVIII of the So-  
19 cial Security Act (42 U.S.C. 1395 et seq.).

20 (b) **SCOPE OF STUDY.**—In carrying out the study de-  
21 scribed in subsection (a), the National Academies shall  
22 consider the following:

23 (1) How best to implement the least burden-  
24 some data collection process required under section

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

3 (A) result in a representative and statis-  
4 tically valid data sample of private market rates  
5 from all laboratory market segments, including  
6 hospital outreach laboratories, physician office  
7 laboratories, and independent laboratories; and

8 (B) consider the variability of market seg-  
9 ments by laboratory procedure code.

10 (2) Appropriate statistical methods for esti-  
11 mating rates that are representative of the market.

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

20 (1) conclusions about the methodology de-  
21 scribed in such subsection; and

22 (2) recommendations on ways to improve such  
23 methodology.

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