

116TH CONGRESS
1ST SESSION

S. 3049

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 SENATE OF THE UNITED STATES

DECEMBER 12, 2019

Mr. BROWN (for himself and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Finance

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”;

15 (B) in subparagraph (A), as added by sub-
16 paragraph (A) of this paragraph, by inserting
17 “(referred to in this subsection as the ‘reporting
18 period’)” after “at a time specified by the Sec-
19 retary”; and

20 (C) by adding at the end the following:

21 “(B) REVISED REPORTING PERIOD.—In
22 the case of reporting with respect to clinical di-
23 agnostic laboratory tests that are not advanced
24 diagnostic laboratory tests, the Secretary shall
25 revise the reporting period under subparagraph
26 (A) such that—

1 “(i) no reporting is required during
2 the period beginning January 1, 2020, and
3 ending December 31, 2020;

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

7 “(iii) reporting is required every three
8 years after the period described in clause
9 (ii).”; and

10 (2) in paragraph (4)—

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

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

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

16 “(B) EXCEPTION.—In the case of the re-
17 porting period described in paragraph (1)(B)(ii)
18 with respect to clinical diagnostic laboratory
19 tests that are not advanced diagnostic labora-
20 tory tests, the term ‘data collection period’
21 means the period beginning January 1, 2019,
22 and ending June 30, 2019.”.

23 (b) CORRECTIONS RELATING TO PHASE-IN OF RE-
24 Ductions FROM PRIVATE PAYOR RATE IMPLEMENTA-

1 TION.—Section 1834A(b)(3) of the Social Security Act
 2 (42 U.S.C. 1395m–1(b)(3)) is amended—

3 (1) in subparagraph (A), by striking “through
 4 2022” and inserting “through 2023”; and

5 (2) in subparagraph (B)—

6 (A) in clause (i), by striking “through
 7 2019” and inserting “through 2020”; and

8 (B) in clause (ii), by striking “2020
 9 through 2022” and inserting “2021 through
 10 2023”.

11 **SEC. 3. STUDY AND REPORT BY MEDPAC.**

12 (a) IN GENERAL.—The Medicare Payment Advisory
 13 Commission (in this section referred to as the “Commis-
 14 sion”) shall conduct a study to review the methodology
 15 the Administrator of the Centers for Medicare & Medicaid
 16 Services has implemented for the private payor rate-based
 17 clinical laboratory fee schedule under the Medicare pro-
 18 gram under title XVIII of the Social Security Act (42
 19 U.S.C. 1395 et seq.).

20 (b) SCOPE OF STUDY.—In carrying out the study de-
 21 scribed in subsection (a), the Commission shall consider
 22 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 private
9 payor payment rates across market segments
10 and laboratory settings.

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

13 (c) REPORT TO CONGRESS.—Not later than 18
14 months after the date of the enactment of this Act, the
15 Commission shall submit to the Administrator, the Com-
16 mittee on Finance of the Senate, and the Committees on
17 Ways and Means and Energy and Commerce of the House
18 of Representatives a report that includes—

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

21 (2) any recommendations the Commission
22 deems appropriate.

○