



April 28, 2016

The Honorable Jackie Speier
U.S. House of Representatives
2465 Rayburn House Office Building
Washington, DC 20515

Dear Representative Speier:

The American Clinical Laboratory Association (ACLA) represents the nation's leading clinical laboratories throughout the country, including national, regional, hospital, and esoteric laboratories, who provide millions of anatomic pathology services to Medicare beneficiaries each year. On behalf of our member laboratories, as well as the physicians and patients they serve, we thank you for reintroducing *The Promoting Integrity in Medicare Act of 2016*. This crucial legislation would realign provider incentives by removing anatomic pathology, advanced diagnostic imaging, physical therapy, and radiation therapy services from the list of ancillary services that may be provided during an office visit under the in-office ancillary services (IOAS) exception to the Medicare self-referral statute.

ACLA strongly endorses the legislation, since it embodies the findings of several significant peer-reviewed studies in addition to those studies conducted by the Government Accountability Office (GAO) and the Office of the Inspector General of the U.S. Department of Health and Human Services, among others. One study in particular, by Dr. Jean Mitchellⁱ, found that the adjusted cancer detection rate was 40% lower for self-referring urologists, than for those urologists who did not self-refer, which suggests that biopsies were performed by self-referring urologists on men who were significantly less likely to have cancer. Furthermore, in its analysis, GAO concluded that "financial incentives for self-referring providers were likely a major factor driving the increase in anatomic pathology referrals."ⁱⁱ *The Promoting Integrity in Medicare Act of 2016* will eliminate the existing financial incentive, enabling the Medicare program to save \$3.3 billion, as scored by the Congressional Budget Office, while the ability of all providers to render the highest quality, safest, and most clinically appropriate care to Medicare beneficiaries will be preserved.

ACLA applauds your robust leadership on this ongoing issue. Thanks again for all of your efforts and those of your staffer, Molly Fishman.

Sincerely,

A handwritten signature in cursive script that reads 'Alan Mertz'.

Alan Mertz,
President

ⁱ *Health Affairs* (2012 Apr; 31 (4): 741-9)

ⁱⁱ GAO-13-445 Medicare Self-Referral of Anatomic Pathology Services, p. 24