

Ohio Society of Pathologists

Hillcrest Hospital
6780 Mayfield Road
Pathology, 2nd Floor Atrium
Mayfield Heights, Ohio 44124
440-312-7991

Joseph J. Sreenan, MD
President

Susan E. Porter, MD
Secretary-Treasurer

Rebuttal to Opposition Regarding HB 224

(Requirement for ACO Clinical Laboratory Advisory Board)

Fact: There is no substantial burden created by the legislation

The legislation does not impose any mandate apart from requiring ACO's to establish a Clinical Laboratory Advisory Board with the inclusion of the pathologist from a laboratory providing services to the ACO. The convening of the Board and the use of any recommendations from the Board are solely at the discretion of the ACO as specified in the legislation.

Fact: The Clinical Laboratory Advisory Board is Necessary to Protect Patients

While the opposition believes this ACO Advisory Board is unnecessary, numerous cancer patient advocacy groups are in support of this bill and believe it is necessary to protect patient interests in ensuring necessary pathology and laboratory tests are performed when medically appropriate. Furthermore, the very multi-specialty, clinically integrated organizations that were the basis of the Affordable Care Act's adoption of the ACO practice model (i.e. Geisinger, Mayo and Cleveland Clinic) all have such clinical laboratory advisory boards in place to advise on pathology and laboratory testing.

Fact: If the bill is enacted it is highly unlikely other Medical Specialties will seek legislation

As is commonly acknowledged, pathology and laboratory medicine are unique because the results of these tests drive approximately 75% of medical decision-making. Accordingly, other medical specialties may want to participate in these Boards, but there would be no political, scientific or medical practice basis for other medical specialties to seek to establish their own advisory boards.

Fact: The Clinical Laboratory Advisory Board will help ACOs achieve quality metrics and financial goals.

As was testified in detail by the Cleveland Clinic pathologists, where these Clinical Advisory Boards are in use, organizations have elevated quality and been able to achieve cost savings by ensuring appropriate testing and eliminating unnecessary testing. Thus, any Ohio mandate for these Boards will facilitate the operations of ACOs and will financially benefit individual ACOs in reaching both quality and cost reduction targets.

Fact: While pathologists can attempt to form these Boards at ACOs without the statutory mandate, national survey data evinces that ACOs have not been universally amenable to ensuring the clinical integration of the pathologist and other physicians into coordinated medical decision making on the appropriate utilization of pathology and laboratory services.

This fact has led the Ohio State Medical Association (OSMA) to endorse the bill, noting: "Each advisory board is designed to promote collaboration among physicians of the ACO who have extensive expertise in clinical laboratory and pathology testing. OSMA believes having physicians lead the advisory boards will ensure quality of care and patients' interest are the highest priority."