

CENTER FOR MEDICAL CONSUMERS

NEW YORK, NEW YORK 10012

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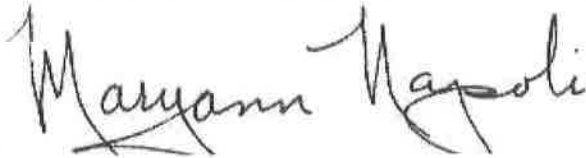
October 6, 2015

**To : New York State Public Health and Health Planning Council
Codes, Regulations and Legislation Committee**

**RE: Repeal of NYS Health Regulation (10 NYCRR § 34-2.11(b)(1)(v)) Prohibiting
Pathologists from Responding to Patient Inquires**

On behalf of the New York State patient community, the Center for Medical Consumers is urging the repeal of the regulation that prohibits pathologists from responding to patient inquiries. This regulation erroneously construes that when a pathologist responds to questions from his/her patient, that such action is a kickback activity to the physician that ordered the test. This interpretation of law entirely negates the patient's clear, undisputed right to confer with his or her own physician pathologist. Recently, the Institute of Medicine (IOM) issued a study that urged all health systems to allow greater patient engagement in the diagnostic process in order to improve health care quality and reduce the risk of error. This regulation is an illogical bar to that action. No other state has such an illogical and counter-productive prohibition. For these reasons, we urge the repeal of this regulation.

Sincerely,

A handwritten signature in black ink that reads "Maryann Napoli". The signature is written in a cursive style with a large initial 'M' and a long, sweeping underline.

Maryann Napoli
Associate Director