



THE NEW JERSEY SOCIETY OF PATHOLOGISTS
26 Eastmans Road • Parsippany, New Jersey 07054
973-597-0938 Fax: 973-597-0241
www.njpath.org

September 12, 2016

Honorable Assemblyman Herb Conway Jr.
Chair, Health and Human Services Committee
New Jersey State Assembly
State House Annex,
Trenton, NJ 08625-0068

Re: Oppose Assembly Bill 3909 Unless Amended

Dear Chairman Conway,

I am writing on behalf of the New Jersey Society of Pathologists (NJSP), a state-wide medical society representing many practicing pathologists in the state. This communication supplements our May 31 2016 correspondence to you regarding this bill. We are writing to request several technical amendments to the legislation to promote hepatitis C testing which effectuate the goal of the bill without the potential for adverse impact on health care delivery that could result from the current language.

While NJSP unequivocally supports the promotion of Hepatitis C testing, the proposed bill is clearly contrary to standards in health care delivery and potentially impractical for laboratories in New Jersey to implement and as such is opposed by NJSP unless amended. We urge you to look at New York State Public Health law (See: [NY Pub Health L § 2171 \(2014\)](#)) as model state law to promote such testing.

The following provision is a major concern to us in Section 2 of the bill:

c. Pursuant to a standing order issued by its chief medical officer or an equivalent officer, a bio-analytical or clinical laboratory, when providing laboratory services to an individual born between January 1, 1945 and December 31, 1965 who was referred for laboratory services by a health care professional licensed pursuant to Title 45 or Title 52 of the Revised Statutes, shall provide the individual with a **verbal and written statement** of CDC policy regarding Hepatitis C screening and offer to provide a hepatitis C screening test to that individual. If the individual consents to undergo a hepatitis C screening test pursuant to this subsection, the laboratory shall perform the hepatitis C screening test and transmit the test results to the health care professional who provided the referral for laboratory services

We oppose this Section 2 (c) provision for the following compelling reasons:

- 1) It places an improper onus on the laboratory to **communicate both verbally and in writing** with the patient regarding whether the patient wants to avail a Hepatitis C test, even though the laboratory has no direct interface with the patient in most cases and does not have the staff resources to verbally communicate with every patient.

- 2) The legislation does not properly place the onus on the ordering health care professional who should be providing the patient with the information on hepatitis C testing and subsequent counseling for the patient.
- 3) By circumventing the ordering health care professional in the ordering of the test the ability to follow up on test results and treatment is hampered.
- 4) It is unclear if the test is covered by insurance under state law, because the patient is ultimately making the decision on the ordering of the test; thus it could be argued that the test is not covered by insurance. Accordingly, the language of the bill should make explicit that the test is always covered by the health care plan as applicable to the patient whether ordered by the patient or a health care professional.
- 5) The requirement for verbal and written notice appears to be applicable to the performance of every laboratory service, without limitation, which in the case of hospital in-patients could be multiple times a day, and for out-patients could be multiple times a year.

We propose the following amendment of the bill to remedy our concern and to make the bill conform with conventional standards of health care delivery:

c. Pursuant to a standing order issued by its chief medical officer or an equivalent officer, a bio-analytical or clinical laboratory, when providing laboratory services to an individual born between January 1, 1945 and December 31, 1965 who was referred for laboratory services by a health care professional licensed pursuant to Title 45 or Title 52 of the Revised Statutes, **shall indicate on the laboratory report sent to the ordering health care professional or directly to the individual** ~~provide the individual with a verbal and written statement of CDC policy regarding Hepatitis C screening and offer to provide a hepatitis C screening test to that individual~~ **without the order of the health care professional. The ordering health care professional shall be responsible for verbally and in writing informing the patient of the availability of the testing.** If the individual consents to undergo a hepatitis C screening test pursuant to this subsection, the laboratory shall perform the hepatitis C screening test and transmit the test results to the health care professional who provided the referral for laboratory services. **Such testing whether requested by an individual or a health care professional shall be considered a covered health care service under any plan of insurance in which the individual is enrolled.**

Thank you for your courtesies and consideration of our request for technical amendment to the bill.

Sincerely,



Brian S. Erler, MD, Ph.D., MBA, FCAP
President, New Jersey Society of Pathologists

cc Laurie Clark
Medical Society State of New Jersey