



COLLEGE of AMERICAN PATHOLOGISTS

December 19, 2023

Hon. Christina Henderson
Chair, Committee on Health
1350 Pennsylvania Avenue, Suite 402
NW Washington, DC 20004

Hon. Phil Mendelson
Chair, Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Re: “Health Occupations Revision General Amendment Act of 2023” (B25-0545), Request for Repeal of Clinical Laboratory and Personnel Licensure.

Dear Honorable Henderson and Honorable Mendelson:

On behalf of the College of American Pathologists (CAP), and our pathologist members in the District of Columbia, I am writing to convey our request for an amendment to pending legislation before the D.C. City Council entitled the “Health Occupations Revision General Amendment Act of 2023” (B25-0545).

The CAP is the world’s largest organization of board-certified pathologists and the leading provider of laboratory accreditation and proficiency testing programs. The CAP serves patients, pathologists, and the public by fostering and advocating excellence in the practice of pathology and laboratory medicine worldwide. Our pathologist members practice in hospitals, independent clinical laboratories, and academic medical centers.

The legislation proposes several amendments to the D.C. clinical laboratory licensure law (D.C. Law 20- 272; 62 DCR 6643) which modifies medical technologist licensure *inter alia*. As indicated previously, the CAP does not believe that local regulation of clinical laboratory personnel is necessary for or integral to quality assurance in the clinical laboratory. **Our D.C. membership has expressed grave concerns based on the anticipated negative effects of the clinical laboratory and personnel licensure law’s implementation and the amendments proposed which could severely exacerbate workforce shortages and adversely impact patient care for D.C. residents.**

It should be noted that our members in D.C. opposed the enactment of the original D.C. licensure law in 2015. Our position is based upon the rigorous quality assurance provisions embedded in the federal Clinical Laboratory Improvement Amendments (CLIA) law and related regulations that apply to all clinical laboratories. The CLIA law is effectively enforced by the federal government, including a



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biennial inspection process to enforce quality standards and a mandatory proficiency testing process to monitor quality and testing accuracy periodically.

Under CLIA, the bi-annual inspections are conducted by agents of the Centers for Medicare and Medicaid Services (CMS). CLIA requirements are typically more rigorous than current state licensure laws and already safeguard quality in D.C. clinical laboratories. Thus, patients are already benefitting from the federal law which guarantees excellent care, safety, and quality assurance in laboratory operations for District of Columbia residents who routinely utilize such testing to inform diagnostic assessment and treatment.

Significantly, several states (GA, TN) in the last couple of years have repealed their respective clinical laboratory personnel licensure laws, in deference to federal oversight, recognizing the redundant nature of state licensure laws.

We strongly urge the Committee to repeal the Clinical Laboratory Practitioners Amendment Act of 2015 which has yet to be implemented. Since the COVID-19 public health emergency, our members have faced rising workload and significant staffing shortages in their clinical laboratories. Implementation of the licensure law could deter clinical laboratory professionals from working in the District of Columbia when Virginia and Maryland do not have similar requirements, thus worsening the workforce shortage in D.C. clinical laboratories.

Accordingly, we urge the Committee and Council to align with the 40 other states that do not exercise or enforce state-based regulatory oversight of clinical laboratory operations and to repeal the Clinical Laboratory Practitioners Amendment Act of 2015.

Thank you for your consideration. If you would like additional information, or if we can further assist the Committee or the Council, please contact Marie R. Divine at mdivine@cap.org or 202-354-7143.

Sincerely,

Donald Karcher, MD, FCAP
President, College of American Pathologists
Professor and Immediate Past Chair of Pathology
The George Washington University School of Medicine and Health Sciences