



March 4, 2015

Representative Jay Hoffman
261-S Stratton Office Building
Springfield, IL 62706

Re: Opposition to HB 3209 (Voiding of Illinois Patient's Rights Act Prohibition on the Markup of Certain Anatomic Pathology Services)

Dear Representative Hoffman:

I am writing on behalf of the Illinois Society of Pathologists (ISP) to oppose House Bill 3209. The ISP represents many practicing pathologists in the State of Illinois. **In our view, the only apparent purpose of this legislation is to reverse last year's 3/5 majority over-ride vote of the State Legislature in order to allow certain physicians to reap unethical and currently illegal profits at the expense of patients and the health care system.**

House Bill 3209 would establish a loophole in the current prohibition on mark-ups for those physicians that own a clinical laboratory. The loophole would allow these physicians to charge patients and payers an inflated charge for anatomic pathology services regardless of whether the actual biopsy service was performed at these sites. The current law is designed specifically to prevent such physicians from accruing an illegal markup profit on anatomic pathology work that they do not supervise or perform. Consequently, this provision, if enacted, would void a fundamental patient protection and escalate the cost of health care in order to financially benefit certain physicians.

In addition, House Bill 3209 would exempt all genetic testing from the anti-markup law by limiting the application of the law to only "microscopic" analysis of specimens – which has no application to genetic testing. **One can only infer that the intention with this particular change is to allow ordering physicians, who have no role with this testing, to accrue prodigious markup profits on DNA and genetic biomarker tests.** These tests are currently a very expensive, technologically advanced form of laboratory testing and now an integral part of cancer diagnosis and treatment. Apart from greatly enriching the ordering physician, the effect of the markup is likely to incentivize medically unnecessary testing, driving up the cost of health care for all.

Both of these amendments have no rationale that aligns with quality in health care or legitimate public policy. **Accordingly, we strongly deplore what this legislation is intended to do – reverse the affirmative vote of the Legislature last year and now allow illegal profiteering at the expense of patients and the health care system.** For these reasons, we urge opposition to this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Robert DeCresce, M.D.".

Robert DeCresce, MD FCAP
President, Illinois Society of Pathologists

Cc: Barry Ziman, Director, Legislation and Political Action, College of American Pathologists