New Mexico Society of Pathologists
P.O. Box 407 / Farmington, NM 87499

March 30, 2015

Honorable Susana Martinez
Governor of New Mexico
490 Old Santa Fe Train, Room 400
Santa Fe, NM 87501

RE: "Support for House Bill 369 "Informed Consent for Genetic Testing"

Dear Governor Martinez:

I am writing to you on behalf of the New Mexico Society of Pathologists (NMSP) in support of House Bill 369, which exempts laboratories from informed consent requirements for genetic testing conducted pursuant to a written order from a health care provider.

Current New Mexico law is inconsistent with current medical practice and impedes quality in genetic testing by requiring extraordinary informed consent of a patient for performance of genetic testing and retention of genetic information as the result of a genetic test. Genetic testing has become an integral part of patient care, particularly in the diagnosis and treatment of cancer. The requirement that laboratories obtain a separate informed consent for medically necessary genetic testing is often burdensome to the laboratory and confusing to the patient given there is written order from their healthcare provider. The requirement can result in delays in diagnosis and treatment.
The repeal of the existing specific informed consent for genetic testing and removing barriers to genetic testing is integral to providing quality patient care for the following reasons:

1. Recent advances in medical science have made genetic testing of patient tissue samples for many cancerous conditions a standard of care that should not be differentiated from the analysis used for other routine tests that are exempted under the bill.

2. A patient's signature execution of an informed consent specific to genetic testing suggests that these tests are likely to have medical implications or prognostic value that are fundamentally different from the routine microscopic biopsy analysis or other routine blood tests that is now performed. Consequently, patients may become apprehensive, confused and potentially hesitant when confronted with the informed consent required under this legislation. Genetic testing, for these purposes, should not be the source of patient apprehension as could be engendered by the current informed consent requirement in statute.

3. The current law is an encumbrance on the performance of genetic testing that potentially delays performance of such tests. Some tests must be processed with 48 hours to get valid results. Material for chromosome studies should be processed immediately; certainly with 24 hours.

4. The need for a genetic test of a pathology specimen may not be known or evident in advance of the specimen arriving in the laboratory. After reviewing a patient specimen, the pathologist may make a determination that a molecular analysis is warranted to render a diagnosis.

For these reasons, the NMSP fully supports the enactment of House Bill 369. Please feel free to contact me if you or your staff have any questions.

Sincerely,

Michael J. Crossey, MD, PhD, FCAP
President, New Mexico Society of Pathologists
Chief Medical Officer, TriCore Reference Laboratories

cc: Randy Marshall, New Mexico Medical Society