

# Georgia Association of Pathology



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February 17, 2022

(Via email: [randy.robertson@senate.ga.gov](mailto:randy.robertson@senate.ga.gov) )

Senator Randy Robertson  
Georgia State Senate  
305-A CLOB  
Atlanta, GA 30334

*Re: Opposition to Senate Bill 525*

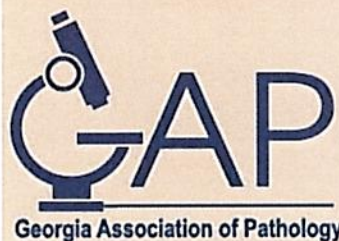
Dear Senator Robertson:

On behalf of the Georgia Association of Pathology (GAP), and with the support of the College of American Pathologists (CAP), I am writing in strong opposition to Senate Bill 525 (*Licensure of Pathologists' Assistants*). Senate Bill 525 would conceptually reverse the clinical laboratory de-regulatory efforts undertaken by the Georgia Legislature in 2021.

We supported the 2021 passage and enactment of House Bill 93 - repealing both laboratory and laboratory personnel licensure in the state of Georgia. The reason for our support of the 2021 legislation is the same as the basis for our opposition to Senate Bill 525. We believe that federal law (Clinical Laboratory Improvement Amendments- CLIA 88) provides robust regulatory oversight over laboratory operations and the quality of laboratory personnel. State laws, superimposed upon federal law (CLIA), regulating certain laboratory personnel encumbers and impedes our ability to direct the laboratory and the personnel subject to our required supervision, including pathologists' assistants.

Of great concern, Senate Bill 525 creates and inserts a new government purview over pathologist assistants that only exists in California, New York, and Nevada. Under current law, as pathologists and physicians, our CLIA-obligated laboratory





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director responsibility is to oversee and direct pathologist assistants. To our knowledge, there are no reported concerns or issues raised regarding our individual and collective responsibility to direct pathologists' assistants in Georgia, or any other state.

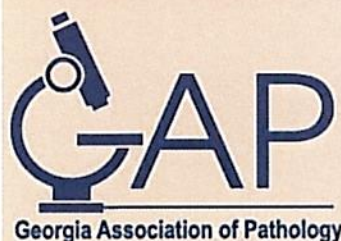
Senate Bill 525 includes pathologist assistant scope of practice licensure language from New York State - the only CLIA-exempt state - administered by a large state bureaucracy. New York regulates all clinical laboratory personnel and laboratory operations at great expense and charges substantial fees on laboratories for such oversight. The rationale for licensing pathologists' assistants in New York was to allow this profession to exist, because in the absence of state licensure, other restrictive provisions in the New York State personnel licensure law prohibited the practice of pathologists' assistants. Thus, licensure in New York was legally necessary for pathologists in that state to avail the services of pathologists' assistants.

By contrast, since Georgia previously determined that state regulatory oversight is superfluous, we question the intent in establishing a new licensure category for these personnel, especially when all other personnel licensure categories in Georgia were recently eliminated with the overwhelming support of the Georgia legislature.

Through the course of the COVID-19 pandemic, laboratory personnel and resources have become operationally strained. For this reason, last year, both Georgia and Tennessee opted to repeal state laws regulating the clinical laboratory. These repeals were supported by state pathology societies to reduce regulatory burdens and alleviate additional personnel stressors in their practices. In Georgia, licensure repeal enhanced our ability, as physician laboratory directors, to more readily recruit personnel that are qualified to perform certain clinical laboratory roles, including those who gross low-complexity pathology specimens. We uphold our legal and ethical medical



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responsibility for ensuring personnel are qualified and properly monitored and supervised.

In summary, we believe state licensure of pathologists' assistants is wholly unnecessary and does not add value to laboratory operations. Importantly, potential Georgia regulation in the form of licensure restricts our ability, as pathologists, to recruit, train, administer and direct pathologist assistants. Thus, we believe licensure is potentially counter-productive to laboratory quality, which is why only three states have seen fit over more than thirty years (since the federal enactment of CLIA 88) to enact pathologists' assistant licensure.

For these many reasons, we are opposed to Senate Bill 525 and are pleased with Georgia's licensure repeal in 2021 to decrease administrative burdens on our laboratories and personnel during these unprecedented times. Thank you for your consideration of our position. We look forward to hearing from you.

Sincerely,

Dean W. Joelson, M.D.  
President, Georgia Association of Pathology

cc: Bethany Sherrer, JD, MBA, MHA  
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Medical Association of Georgia

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