116TH CONGRESS
1ST SESSION

S. _____

To amend title XVIII of the Social Security Act to provide for certain amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BROWN (for himself and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to provide for certain amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Laboratory Access for Beneficiaries Act'' or the ''LAB Act''.

SEC. 2. AMENDMENTS RELATING TO REPORTING REQUIREMENTS WITH RESPECT TO CLINICAL DIAGNOSTIC LABORATORY TESTS.

(a) REVISED REPORTING PERIOD FOR REPORTING OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT OF MEDICARE PAYMENT RATES.—Section 1834A(a) of the Social Security Act (42 U.S.C. 1395m–1(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Beginning January 1, 2016'' and inserting the following:

''(A) GENERAL REPORTING REQUIREMENTS.—Subject to subparagraph (B), beginning January 1, 2016'';

(B) in subparagraph (A), as added by subparagraph (A) of this paragraph, by inserting ''(referred to in this subsection as the 'reporting period')'' after ''at a time specified by the Secretary''; and

(C) by adding at the end the following:

''(B) REVISED REPORTING PERIOD.—In the case of reporting with respect to clinical diagnostic laboratory tests that are not advanced diagnostic laboratory tests, the Secretary shall revise the reporting period under subparagraph (A) such that—

"(i) no reporting is required during the period beginning January 1, 2020, and ending December 31, 2020;

"(ii) reporting is required during the period beginning January 1, 2021, and ending March 31, 2021; and

"(iii) reporting is required every three years after the period described in clause (ii).''; and

(2) in paragraph (4)—

(A) by striking "In this section'' and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), in this section''; and

(B) by adding at the end the following:

"(B) EXCEPTION.—In the case of the reporting period described in paragraph (1)(B)(ii) with respect to clinical diagnostic laboratory tests that are not advanced diagnostic laboratory tests, the term 'data collection period' means the period beginning January 1, 2019, and ending June 30, 2019.''.

(b) CORRECTIONS RELATING TO PHASE-IN OF REDUCTIONS FROM PRIVATE PAYOR RATE IMPLEMENTA-

TION.—Section 1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–1(b)(3)) is amended—

(1) in subparagraph (A), by striking ''through 2022'' and inserting ''through 2023''; and

(2) in subparagraph (B)—

(A) in clause (i), by striking ''through 2019'' and inserting ''through 2020''; and

(B) in clause (ii), by striking ''2020 through 2022'' and inserting ''2021 through 2023''.

SEC. 3. STUDY AND REPORT BY MEDPAC.

(a) IN GENERAL.—The Medicare Payment Advisory Commission (in this section referred to as the ''Commission'') shall conduct a study to review the methodology the Administrator of the Centers for Medicare & Medicaid Services has implemented for the private payor rate-based clinical laboratory fee schedule under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(b) SCOPE OF STUDY.—In carrying out the study described in subsection (a), the Commission shall consider the following:

(1) How best to implement the least burdensome data collection process required under section

1834A(a)(1) of such Act (42 U.S.C. 1395m–1(a)(1)) that would—

(A) result in a representative and statistically valid data sample of private market rates from all laboratory market segments, including hospital outreach laboratories, physician office laboratories, and independent laboratories; and

(B) consider the variability of private payor payment rates across market segments and laboratory setttings.

(2) Appropriate statistical methods for estimating rates that are representative of the market.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to the Administrator, the Committee on Finance of the Senate, and the Committees on Ways and Means and Energy and Commerce of the House of Representatives a report that includes—

(1) conclusions about the methodology described in such subsection; and

(2) any recommendations the Commission deems appropriate.