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TO: The Honorable Shane E. Pendergrass, Chair
Members, House Health and Government Operations Committee
The Honorable Neil Parrott

FROM: J. Steven Wise
Pamela Metz Kasemeyer
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DATE: March 15, 2017

RE: **OPPOSE** – House Bill 1489 – *Medical Laboratories – Advertising or Solicitation of Business – Repeal of Prohibition*

The Maryland State Medical Society, the Maryland Chapter of the American Academy of Pediatrics, and the Maryland Section of the American Congress of Obstetricians and Gynecologists submit this letter of **opposition** for House Bill 1489.

House Bill 1489 would remove the current ban on medical laboratories advertising or soliciting business directly from patients. In short, it would allow labs to market directly to the public.

The above organizations have two principal concerns with this legislation. First, they question whether significant benefits will be achieved from the increased costs and utilization of labs that will result from this change. There is little doubt that direct advertising will increase the number of patients going directly to labs and asking for tests. But the question is, are those tests even needed? Is the patient seeking the proper test? Without a health care practitioner first determining that a lab test is needed, we think the number of tests will increase but the value to the patient may be minimal. It would seem this concern is what likely led to the current law being enacted in the first place.

Secondly, patients seeking tests on their own without the input of a primary care practitioner will further fragment patient care. If a practitioner is not aware that a lab test was done, it could be repeated unnecessarily. While electronic medical records (EMR) help to reduce this concern, EMR systems still contain gaps, particularly when patients seek care without the knowledge of their primary caregiver.

Finally, lab tests sought without the recommendation of a health care practitioner may not be covered by a patient's health insurance. Patients may be unaware of this when seeking lab tests on their own.

For these reasons, the named organizations oppose House Bill 1489.

For more information call:

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