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TO: The Honorable Peter A. Hammen, Chair
Members, House Health & Government Operations Committee
The Honorable Shane Pendergrass

FROM: Joseph A. Schwartz, III
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DATE: February 28, 2014

RE: **OPPOSE** –House Bill 906 – *Medical Laboratories – Direct-to-Consumer Genetic Testing*

On behalf of MedChi, the Maryland State Medical Society (MedChi) and the American Congress of Obstetricians and Gynecologists, Maryland Section (MDACOG), we oppose House Bill 906.

House Bill 906 would remove the current ban on medical laboratories advertising or soliciting business directly from patients. It would allow a certified CLIA laboratory to perform genetic testing for an adult, require that the laboratory advise consumers to talk with their provider or genetic counselor about the result of the test and that it may have an effect on the adults' ability to obtain life or long-term care insurance.

The protections set forth in the bill address several of the concerns of the physician community which were set forth in comments to the Department of Health and Mental Hygiene's request for public comment on such testing (attached) issued earlier this year. However, MedChi continues to have concerns with the validity of this testing. As the Department has noted, results on risks of different diseases varies across tests performed by various laboratories. In short, the tests may produce false positives or false negatives, leading patients to wrongly conclude that they are not at risk or that they are at risk. And with some tests, a proper family history, if available, can be equally if not more predictive.

Some studies indicate that the results of these tests do not affect the number of physician visits or health care utilization rates, so the effects of direct genetic testing in that regard appear to be minimal. The primary concern of the physician community remains the uncertainty of the test results and the impact they may have upon a patient's decision-making. That concern is sufficient to request an unfavorable report on House Bill 906.

For more information call:

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