

## **In the News: Recent CMS Decision on Nurses and Laboratory Testing**

On April 1, 2016 the Centers for Medicare and Medicaid Services (CMS) Center for Clinical Standards and Quality/Survey & Certification Group released an internal memorandum that provides guidance to CLIA surveyors on acceptable forms of documentation of personnel qualifications for laboratory staff. With the exception of cytotechnologists, who must hold an American Society for Clinical Pathology (ASCP) certification, proof that an individual has obtained the appropriate level degree (Associates, Bachelors, etc.) is sufficient. Of note, the memorandum also states that “A bachelor’s degree in nursing meets the requirement of having earned a bachelor’s degree in a biological science for high complexity testing personnel.”<sup>2</sup> It goes on to say that “An associate’s degree in nursing meets the requirement of having earned an associate’s degree in a biological science for moderate complexity testing personnel.”<sup>2</sup>

The ASCP Board of Certification (BOC) has engaged in discussions with CMS regarding these statements. They are concerned about the lack of rationale behind this decision as well as the overall impact it would have on patient care and the quality of laboratory testing. The BOC informed the ASCP Board of Governors (BOG) about this issue and also sent a letter to CMS on their behalf. In it they make the point that “The nursing degree is not intended to be, nor should it be viewed as the equivalent of a degree in biological sciences or any other natural science degree required of laboratory testing professionals to perform moderate and high complexity diagnostic testing services.”<sup>1</sup> They further explain that the natural science coursework required by nursing degree programs is not as rigorous as that of other biological science degree programs.

The BOC also expressed concerns that CMS may have opened the door for nurses to be eligible for senior leadership positions within moderate and high complexity laboratories. They went on to point out that patient safety and laboratory test quality could be negatively impacted by such a lowering of the qualifications necessary to perform moderate and high complexity testing.

Since sending the letter, a dialogue has begun between the BOC, CMS and the American Society for Clinical Laboratory Science (ASCLS). Other member organizations of the BOG have also sent letters to CMS supporting the BOC’s position. Although not a member organization of the BOG, ASCT’s leadership is considering its response to this situation. This decision does not directly impact our profession as a whole, a nurse would still have to meet the requirements to take the ASCP board exam (and pass it) to be qualified to work as a cytotechnologist. However, it could have a direct impact on individual cytotechnologists, and their laboratories, if nurses are able to move into laboratory director or technical supervisor positions.

The ASCP BOC is continuing its discussions with CMS in the hope of convincing them to reverse this decision. They have also created a petition and are asking individual laboratory professionals and concerned individuals to sign. We will continue to monitor the situation and keep you informed of any changes, as well as any involvement on the part of ASCT. If you are interested in assisting with the process of drafting ASCT’s position statement on this issue or if you have any questions or concerns, please contact ASCT President Michelle Smith at [michele.smith@slh.wisc.edu](mailto:michele.smith@slh.wisc.edu). To sign the ASCP petition click [here](http://cqrcengage.com/ascpath/app/sign-petition?0&engagementId=239813). (<http://cqrcengage.com/ascpath/app/sign-petition?0&engagementId=239813>)

References:

1. American Society for Clinical Pathology (July 22, 2016). ASCP BOC Leading Challenge to CMS Nursing Equivalency Action. *BOC Newsletter – Special Edition Alert*. Retrieved from <https://www.ascp.org/content/Functional-nav/boc-newsroom/boc-newsletter---special-edition-alert#NewsroomGrid>
2. Director Survey & Certification Group (April 1, 2016). *Personnel Policies for Individuals Directing or Performing Non-Waived Tests* [Memorandum]. Baltimore, MD: Centers for Medicare and Medicaid Services Center for Clinical Standards and Quality/Survey & Certification Group.