



California Association of Public Health Laboratory Directors

CAPHLD 2016 Legislative Update by Bruce Pomer

CAPHLD had another active year participating in the legislative process. The members continued to work for a partial, one million dollar, restoration of the Lab Aspire program. This year this proposal was pushed on two different fronts. In the beginning of the year members attempted to make the restoration an official budget change proposal of CDPH with the hopes that the proposal would appear in the Governor's budget presented in the following January. However, by the early part of April it was clear that CAPHLD was not going to be successful with this effort.

At the same time CAPHLD was working with CDPH it was able to obtain HOAC support to present this budget augmentation to the legislature. HOAC Executive Director Kat Deburgh was able to arrange for Katya Ledin to provide testimony on Lab Aspire to both the senate and assembly budget subcommittees.

It is clear there is tremendous pent up demand to restore or augment services that were drastically cut during the great recession. In addition to the proposal presented by CAPHLD 37 different health augmentation requests were presented to the legislature. Meanwhile the Governor continued to emphasize that because another recession was possible in the near future we could not afford to add many new programs that could propel the state in to another major deficit situation.

In the end nearly all of the proposed public health spending increases, including Lab Aspire were not included in the budget. The few augmentations for public health that did make it in to the budget were one time only expenditures, representing the most politically popular programs. These included 2.5 million for early detection of Alzheimer's, 2.7 million for drug overdose prevention, 1.2 million for hepatitis B and C prevention and care as well as 5 million for STD programs. The Governor's own proposal to fund 1.6 million for additional positions for the State Lab was also in the budget that was enacted.

Under the leadership of the legislative committee and its Chair Jim Beebe CAPHLD reviewed several pieces of legislation and decided to follow 10 bills that were introduced during this session of the legislature. These bills are described below:

SB 1418 Lara allows direct access laboratory testing. The bill provided that any person may request, and any registered lab may perform, the following waived lab tests; pregnancy, glucose level, cholesterol, occult blood and any other test for which there is a test approved by the federal Food and Drug Administration for sale to the public, without a prescription, in the form of an over-the-counter test kit. This bill also authorized a person to request and a licensed clinical lab or public health lab to perform any lab test that the laboratory offers to the public without an order from a healing arts representative.

CAPHLD President Megan Crumpler sent a strong letter in opposition to the author, Senator Lara, stating the bill would place undue burdens on public health labs diverting them from their primary mission to protect the public's health. Discussions with staff regarding this issue offered an opportunity to emphasize and drive home the point that local public labs don't have the resources to take on a new and complicated function. Thanks, in part, to CAPHLD's strong opposition SB 1418 was dropped before its first committee hearing. This bill was subsequently gutted and amended to be used for a different purpose.

AB 1774 (Bonilla) was proposed to implement the state auditor's recommendation to repeal state laboratory licensing, based on the rationale that federal government oversight is highly similar and well implemented. The author of the bill also stated that this legislation will free up state resources to focus on personnel standards which are unique to California, while ensuring a continued level of consumer protection in clinical laboratories. CAPHLD did not take a position on this bill, but Megan Crumpler used the opportunity to send a comprehensive letter to the bill's author, Assembly member Bonilla explaining the importance of public health labs and describing the problem regarding the shortage of qualified applicants to replace retiring lab directors. If this bill had moved forward it might have provided a vehicle to deal with elements of the problem related to the lab director shortage. However, the bill died early in the legislative process in the Assembly Appropriations committee.

Additional bills that were placed on CAPHLD's watch list by the legislative committee are described below:

AB 94 (Budget Committee) was an omnibus health trailer bill to the budget containing statutory changes to implement the 2015-16 budget. This bill was not moved or amended during the 2016 session and subsequently died in the Assembly.

AB 2179 (Gipson) Authorizes a hepatitis C counselor, who meets specified requirements, to perform and HCV test and to order and report HCV test results. This bill was vetoed by the Governor. His veto message stated that CDPH works with local health agencies to train HIV counselors who test for both HIV and Hepatitis C. National health guidelines recommend people at risk for either of these diseases be tested for both. As such, the existing counselor classification is more protective of public health.

AB 2439 (Nazarian) Creates a pilot project, administered by CDPH to assess and make recommendations regarding the effectiveness of offering an HIV test in the emergency department of a hospital. This bill was signed in to law by the Governor.

AB 2640 (Gipson) This bill would require a medical care provider or a person administering a test for HIV to provide patients who test negative for HIV and are determined to be at high risk for HIV infection to provide information, to the patient, about methods that prevent or reduce the risk of contracting HIV. This bill was signed in to law by the Governor.

AB 2892 (Committee on Environmental Safety and Toxic Materials) extends the sunset from January 1, 2017 to January 1, 2021 requiring the Department of Pesticide Regulation to share information, electronically, on every person tested for exposure to cholinesterase inhibitors with the Office of Environmental Health Hazard Assessment and the State Department of Public Health on an ongoing basis. This bill was signed into law by the Governor.

SB 115 (Fuller) This bill would appropriate one million dollars from the General Fund to the department to extend the Valley Fever project. This bill died in the Senate Appropriations Committee.

SB 1095 (Pan) This bill would require CDPH to expand statewide screening of newborns to include any disease that is detectable in blood samples after the disease is adopted by the Federal Recommended Uniform Screening panel. This bill was signed by the Governor.

SB 1246 (Nguyen) Would require mosquito and vector control districts to notify various people and entities 7 days before administering pesticides by aircraft over a residential area. This bill died early in the session before being heard in committee.