



**For Immediate Release**  
**AAB Files Amicus Brief Supporting ACLA's PAMA Lawsuit Appeal**

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St. Louis, MO – The American Association of Bioanalysts (AAB) filed a [brief as an amicus curiae](#) in the United States Court of Appeals for the District of Columbia on December 11, 2018, in support of the appeal filed by the American Clinical Laboratory Association (ACLA). ACLA is seeking reversal of the decision by the United States District Court for the District of Columbia that dismissed its lawsuit challenging how the Secretary of Health and Human Services has implemented the Protecting Access to Medicare Act (PAMA).

In seeking reversal of the District Court decision, AAB argues that the District Court improperly found that the statute's prohibition of challenges to the establishment of payment rates barred the Court from reviewing the definition of "applicable laboratory," adopted by the Secretary. According to AAB, the Court always has jurisdiction to determine whether the Secretary acted beyond his/her authority, which jurisdiction is not lost when Congress prohibits a challenge to the rates determined under PAMA. Congress clearly directed that all laboratories that receive the majority of their revenues from the Medicare laboratory fee schedule or the physician fee schedule are required to collect and report data, which the Secretary is required to use in calculating the payment rates. The addition by the Secretary to the definition of an "applicable laboratory" that it have its own unique National Provider Identification (NPI) number results in just a handful of hospital laboratories having to report their data. AAB argues that this directly contravenes the intent of Congress to obtain relevant data from the full commercial payment market and is within the Court's power to review.

AAB is represented by Jeffrey J. Sherrin and Danielle E. Holley of the law firm of O'Connell & Aronowitz, P.C., Albany, New York.

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The American Association of Bioanalysts (AAB), founded in 1956, is a professional association representing bioanalysts (clinical laboratory directors, owners, managers and supervisors), certified medical technologists, molecular diagnostics technologists, andrology and embryology laboratory scientists, and medical laboratory technicians. AAB is committed to the pursuit of excellence in clinical laboratory management by enhancing the professional skills of each of its members; promoting more efficient and productive operations; and representing the interests of its members. AAB's specialized membership sections include the AAB Associate Member Section (AMS), College of Reproductive Biology (CRB), Environmental Biology and Public Health (EBPH) Section and the National Independent Laboratory Association (NILA). AAB provides a broad range of services, including representation before federal and state legislative and regulatory agencies, educational programs and publications. AAB's Proficiency Testing Service is approved under the federal CLIA regulations and is one of the largest proficiency testing providers in the United States.