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March 21, 2024

The Honorable Marc Berman, Chair
Assembly Committee on Business and Professions
1020 N Street, Room 379
Sacramento, CA 95814

RE: AB 2107 (Chen) - Support

Dear Chair Berman:

The Association for Pathology Informatics (API) writes this letter in support of AB 2107 (Chen), which authorizes pathologists and other authorized laboratory personnel to remotely review digital slides, data, or clinical data under their current Clinical Laboratory Improvement Amendments (CLIA) certificate.

At the start of the COVID-19 public health emergency (PHE) in March of 2020, the federal Department of Health & Human Services, Centers for Medicare & Medicaid Services (CMS) announced a CLIA enforcement discretion authorizing pathologists to review pathology slides and digital data, results, and images remotely. API was the organization that spearheaded the movement with other professional organizations, which led to this CLIA enforcement discretion. Likewise, API worked with other professional organizations and the Clinical Laboratory Improvement Advisory Committee (CLIAC) to continue this enforcement for remote review of digital data, results, and images.

AB2107 is aligned with API's ever-continuing effort to ensure this enforcement discretion to review digital data, results, and images stays in place. This enforcement discretion has created evidence of the safety and efficacy of reviewing digital data, results, and images remotely with guardrails. Unfortunately, California law does not allow remote review of digital slides, data, or images despite CMS's authorization.

Without this authorization, pathologists and other laboratory personnel can only view digital data, results, and images inside a licensed laboratory, even though no actual laboratory equipment is utilized or needed. For example, a pathologist can walk into their laboratory, open their laptop, and review any digital image on their computer. However, if that same pathologist went home with that same laptop and wanted to review those same images, current law does not allow it. Such limitations impede timely access to health care, most notably test results and diagnosis.

AB 2701 will bring California into conformity with federal law by allowing pathologists and other laboratory personnel to review digital clinical laboratory data, digital results, and digital images at a remote location under a primary location's Clinical Laboratory Improvement Amendments (CLIA) certificate if CMS guidance and CLIA requirements under the Code of Federal Regulations get met.

For all these reasons, CPMA is pleased to support AB 2107 and asks for your "aye" vote. Thank you for your attention.

Sincerely,



Ji Yeon, Kim, MD, MPH

API President on behalf of the API Council