

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1237  
OFFERED BY MR. GORDON OF TENNESSEE**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Cytology Proficiency  
3 Improvement Act of 2008”.

4 **SEC. 2. REVISED STANDARDS FOR QUALITY ASSURANCE IN**  
5                   **SCREENING AND EVALUATION OF**  
6                   **GYNECOLOGIC CYTOLOGY PREPARATIONS.**

7       (a) IN GENERAL.—Section 353(f)(4)(B)(iv) of the  
8 Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv))  
9 is amended to read as follows:

10                   “(iv) requirements that each clinical  
11                   laboratory—

12                   “(I) ensure that all individuals  
13                   involved in screening and interpreting  
14                   cytological preparations at the labora-  
15                   tory participate annually in a con-  
16                   tinuing medical education program in  
17                   gynecologic cytology that—

1                   “(aa) is approved by the Ac-  
2                   crediting Council for Continuing  
3                   Medical Education or the Amer-  
4                   ican Academy of Continuing  
5                   Medical Education; and

6                   “(bb) provides each indi-  
7                   vidual participating in the pro-  
8                   gram with gynecologic cytological  
9                   preparations (in the form of ref-  
10                  erenced glass slides or equivalent  
11                  technologies) designed to improve  
12                  the locator, recognition, and in-  
13                  terpretive skills of the individual;

14                  “(II) maintain a record of the cy-  
15                  tology continuing medical education  
16                  program results for each individual in-  
17                  volved in screening and interpreting  
18                  cytological preparations at the labora-  
19                  tory;

20                  “(III) provide that the laboratory  
21                  director shall take into account such  
22                  results and other performance metrics  
23                  in reviewing the performance of indi-  
24                  viduals involved in screening and in-  
25                  terpreting cytological preparations at

1 the laboratory and, when necessary,  
2 identify needs for remedial training or  
3 a corrective action plan to improve  
4 skills; and

5 “(IV) submit the continuing edu-  
6 cation program results for each indi-  
7 vidual and, if appropriate, plans for  
8 corrective action or remedial training  
9 in a timely manner to the laboratory’s  
10 accrediting organization for purposes  
11 of review and on-going monitoring by  
12 the accrediting organization, including  
13 reviews of the continuing medical edu-  
14 cation program results during on-site  
15 inspections of the laboratory.”.

16 (b) EFFECTIVE DATE AND IMPLEMENTATION; TER-  
17 MINATION OF CURRENT PROGRAM OF INDIVIDUAL PRO-  
18 FICIENCY TESTING.—

19 (1) EFFECTIVE DATE AND IMPLEMENTATION.—  
20 Except as provided in paragraph (2), the amend-  
21 ment made by subsection (a) applies to gynecologic  
22 cytology services provided on or after the first day  
23 of the calendar year beginning 1 year after the date  
24 of the enactment of this Act, and the Secretary of  
25 Health and Human Services (hereafter in this sub-

1 section referred to as the “Secretary”) shall issue  
2 final regulations implementing such amendment not  
3 later than 270 days after such date of enactment.

4 (2) TERMINATION OF CURRENT INDIVIDUAL  
5 TESTING PROGRAM.—The Secretary of Health and  
6 Human Services shall terminate the individual pro-  
7 ficiency testing program established pursuant to sec-  
8 tion 353(f)(4)(B)(iv) of the Public Health Service  
9 Act (42 U.S.C. 263a(f)(4)(B)(iv)), as in effect on  
10 the day before the date of the enactment of sub-  
11 section (a), at the end of the calendar year which in-  
12 cludes the date of enactment of the amendment  
13 made by subsection (a).