



General Assembly

January Session, 2023

Raised Bill No. 6628

LCO No. 3675



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

AN ACT CONCERNING MEDICAID COVERAGE OF BIOMARKER TESTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2023*) (a) As used in this section:
- 2 (1) "Biomarker" means a characteristic, including, but not limited to,
3 a gene mutation or protein expression that can be objectively measured
4 and evaluated as an indicator of normal biological processes, pathogenic
5 processes or pharmacologic responses to a specific therapeutic
6 intervention for a disease or condition.
- 7 (2) "Biomarker testing" means the analysis of a patient's tissue, blood
8 or other biospecimen for the presence of a biomarker, including, but not
9 limited to, tests for a single substance, tests for multiple substances,
10 diseases or conditions, and whole genome sequencing.
- 11 (3) "Consensus statements" means statements developed by an
12 independent, multidisciplinary panel of experts utilizing a transparent
13 methodology and reporting structure and with a conflict-of-interest
14 policy that are aimed at (A) specific clinical circumstances, and (B) based

15 on the best available evidence for the purpose of optimizing clinical care
16 outcomes.

17 (4) "Nationally recognized clinical practice guidelines" means
18 evidence-based guidelines developed by independent organizations or
19 medical professional societies utilizing transparent methodologies and
20 reporting structures and conflict-of-interest policies that (A) establish
21 standards of care informed by a systematic review of evidence and
22 assessments of the benefits and costs of alternative care options, and (B)
23 include recommendations intended to optimize patient care.

24 (b) The Commissioner of Social Services, to the extent permissible
25 under federal law, shall provide coverage for biomarker testing for the
26 purpose of diagnosis, treatment, appropriate management or ongoing
27 monitoring of a Medicaid enrollee's disease or condition. The
28 commissioner shall condition such coverage on medical and scientific
29 evidence supporting such test, including, but not limited to (1) approval
30 of such test by the federal Food and Drug Administration or
31 recommendations on labels of drugs approved by the federal Food and
32 Drug Administration to conduct such test, (2) national coverage
33 determinations or local coverage determinations for Medicare
34 Administrative Contractors by the Centers for Medicare and Medicaid
35 Services, or (3) nationally recognized clinical practice guidelines and
36 consensus statements.

37 (c) The Commissioner of Social Services shall provide online access
38 to a Medicaid enrollee and a Medicaid provider to a clear, readily
39 accessible and convenient process to request an exception to a prior
40 authorization requirement or other coverage policy provision for
41 biomarker testing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section

Statement of Purpose:

To improve treatments for cancer and other conditions and diseases by approving Medicaid coverage for biomarker testing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]