

Human Services Committee JOINT FAVORABLE REPORT

Bill No.: SB-307

Title: AN ACT CONCERNING MEDICAID COVERAGE OF BIOMARKER TESTING.

Vote Date: 3/19/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/12/2024

File No.:

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SPONSORS OF BILL:

Human Services Committee

REASONS FOR BILL:

Biomarker testing is an essential step to accessing precision medicine that can lead to improved survivorship and better quality of life for patients. A biomarker is a molecular signature, like a protein or gene, that can provide insights into medical conditions for diseases like ALS, cancer, arthritis, and more. The results of a biomarker test give providers knowledge that can guide a patient's treatment plan, potentially providing access to targeted treatment that can improve disease outcomes, and quality of life for patients, and reduce costs. In some cases, paying upfront for comprehensive testing can result in overall savings in treatment costs.

SUBSTITUTE LANGUAGE:

The substitute language adds a provision stating nothing in the section restricts DSS's ability to require prior authorization and includes a citation to the state's medical necessity statute.

RESPONSE FROM ADMINISTRATION/AGENCY:

[Department of Social Services, Commissioner, Andrea Barton Reeves](#); opposes this bill stating that DSS currently covers biomarker testing under Medicaid and this legislation would have a significant fiscal impact and is currently not in the Governor's recommended budget. It is stated that biomarkers not explicitly covered can be approved and reimbursed on a case-by-case basis when such services are deemed medically necessary. It is stated that prior authorization is required for biomarker testing and the Department maintains established policies, including specific criteria for providers to follow when requesting coverage of services that require prior authorization. It is expressed that the requirement for prior authorization for biomarker testing is important as it ensures the Department can continue to

validate the clinical utility of the service being requested specific to each person's unique clinical condition.

NATURE AND SOURCES OF SUPPORT:

ALS Association, Managing Director, Advocacy, Danielle Adams; supports this bill stating that insurance coverage is failing to keep pace with innovations and advancements in treatment for serious diseases and conditions. It is stated that when biomarker testing is not covered by insurance, patients can be on the hook for hundreds or even thousands of dollars in out-of-pocket costs. It is stated that not all communities in Connecticut are benefiting from the latest advancements in biomarker testing and precision medicine. It is stated that without action, lack of access to biomarker testing could increase existing disparities in health outcomes by race, ethnicity, income, and geography.

American Cancer Society Cancer Action Network, Government Relations Director, Bryte Johnson; supports this bill stating that studies have shown that, nationwide, patients who are Medicaid-insured are less likely to receive medically necessary biomarker testing. It is shared that this legislation can be done with a negligible fiscal impact on Connecticut as a 2022 actuarial analysis by Milliman estimates that providing the level of coverage outlined in SB 307 would have an impact of \$0.05 - \$0.09 per member per month. Additionally, it is stated this estimate does not account for the potential cost savings that could result from avoiding ineffective therapies and resulting reduction in progression in some cases.

Alzheimer's Association, Director of Public Policy, Christy Kovel
Alzheimer's Association, Executive Director, Ginny Hanbridge; shares joint testimony in support of the bill for the 80,000 people in Connecticut living with Alzheimer's disease or other dementia, an early and accurate diagnosis of Alzheimer's can have a great impact. It is explained that countless families and those who are living in the early stages of the disease have expressed how hard it was to receive an accurate diagnosis and that it can be a grueling experience. It is stated that experts believe that biomarkers (short for "biological markers") offer one of the most promising paths to improve dementia detection, diagnosis, and treatment.

Connecticut Oncology Association, Executive Director, Dawn Holcombe; supports this bill stating that even if a particular treatment seems to be more costly than alternatives, when it is the right one, that overcomes the financial and health costs of struggling with less appropriate treatments that may be forced on a patient without access to the standard of care. It is expressed that coverage policies that fall behind these standards could lead to no care, no access to targeted testing, or weeks and months of complex medical treatment that prove to be ineffective, adding significant needless costs to the healthcare system. It is suggested that if this legislation wants to protect the patients of CT and support cost-saving efficient care, they should amend this bill to apply to all patients in CT, not just Medicaid enrollees.

Connecticut Society of Pathologists, President, Christine Minerowicz; supports this bill sharing that, to date, 14 other states have granted comprehensive access to biomarker testing. It is stated that with recent advances in medical science, biomarker testing is now the diagnostic standard of care for patients who require targeted therapies based on treatable mutations present in certain medical conditions, including cancer. It is also stated that it is

well-documented that the optimal efficacy of these treatments can save or prolong the lives of patients, thereby reducing healthcare costs and needless patient suffering.

The following people submitted written testimony in support of the bill. It is stated that biomarker testing is important and is supportive of the efforts to provide people with comprehensive access to it.

Alliance For Patient Access, Executive Director, Josie Cooper

ALS United Connecticut, Director of Programs, Amy Chickles

Alzheimer's Association, Volunteer, Lisa Marshall

Alzheimer's Association, Volunteer, Marilyn Kowalski

Alzheimer's Association, Volunteer, Tonya Mauer

American Cancer Society Cancer Action Network, Connecticut Vice State Lead, Linda Alderman

American Cancer Society Cancer Action Network, Scientist, Christopher Grant

American Kidney Fund, State Policy and Advocacy, Senior Director, Jon Hoffman

American Lung Association, Director, Advocacy, Ruth Canovi

BioCT, President & CEO, Jodie Gillon

Black and Brown United in Action

Community Oncology Alliance, Director of Patient Advocacy & Education, Rose Gerber

Connecticut Bioscience Growth Council, Executive Director, Paul Pescatello

Connecticut Children's, MD, Michael Isakoff

Connecticut Resident, Clayton Mansfield

Connecticut Resident, Donna Rogers

Eastern Connecticut Hematology and Oncology (ECHO), Medical Director & Managing Partner, Dinesh Kapur

Exact Sciences, Executive Vice President, General Manager, Precision Oncology, Brian Baranick

Hartford Health Care, Medical Director, Andrew Salner

Jackson Laboratory for Genomic Medicine, Associate Director, Lindsey Kelley

Michael J. Fox Foundation, State Government Relations Officer, Zach Hardy

McIntyre

Registered Nurse, Hayley Yackel

Technology Incubation Program (TIP), Oncology Research Scientist, Fahmy Mamuya

NATURE AND SOURCES OF OPPOSITION:

None expressed.

NATURE AND SOURCES OF GENERAL COMMENTS:

Disability Rights CT, Litigation Attorney, Sheldon Toubman: takes no position on the bill stating that this bill would benefit people with certain kinds of disabilities. However, it is suggested that protections for people with disabilities would be strengthened by also including at the end of proposed section 1(b) the additional language: "or (4) any other source for establishing medical necessity recognize in CGS 17b-259b(a)".

Reported by: Ashley Orser

Date: March 27, 2024