



November 7, 2022

Dear Legislators,

On behalf of the cancer patients and survivors we represent in every state, we ask you to support Assemblywoman Hunter's model legislation on biomarker testing as introduced.

**Biomarker testing connects patients with the most effective treatments for their condition.**

Similar legislation has passed and been signed into law **in Arizona, Illinois, Louisiana, and Rhode Island**. Research shows that targeted therapy can improve health outcomes, increase quality of life, and prolong patient survival.<sup>1,2</sup>

**There are very real gaps in coverage currently – in both public and private insurance plans.** Many patients are missing out on biomarker testing that can help them access the most effective treatment for their cancer. A recent analysis of commercial plan coverage policies for multi-gene panel tests found that 71% are more restrictive than National Comprehensive Cancer Network (NCCN) clinical guidelines for advanced lung, breast, melanoma, and prostate cancers.<sup>3</sup>

**This legislation clearly defines the circumstances under which biomarker testing should be covered and the sources of evidence that must be met in order for a test to qualify for coverage.**

The bill language clearly limits the circumstances under which testing should be covered and the sources of evidence to justify coverage – ensuring that tests are proven and appropriate to guide treatment before requiring coverage.

**Timely access to guideline-indicated comprehensive biomarker testing can help achieve the triple aim of health care including better health outcomes, improved quality of life and reduced costs.** Comprehensive biomarker testing can help improve health outcomes and avoid unnecessary or ineffective treatments. Ineffective treatments exacerbate the physical, emotional, and economic burdens of disease, and the price is paid by both the patient and the insurer.

**Assemblywoman Hunter's proposed model legislation will align insurance coverage of biomarker testing with the latest medical evidence.** This language has been thoroughly vetted and received bipartisan support in several states. With more progress in this area to come, NCOIL's adoption of the existing consensus language will help further patient access to the testing necessary to inform the best treatment of individual patients.

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<sup>1</sup> Gutierrez, M. E., Choi, K., Lanman, R. B., Licitra, E. J., Skrzypczak, S. M., Pe Benito, R., Wu, T., Arunajadai, S., Kaur, S., Harper, H., Pecora, A. L., Schultz, E. V., & Goldberg, S. L. (2017). Genomic Profiling of Advanced Non-Small Cell Lung Cancer in Community Settings: Gaps and Opportunities. *Clinical lung cancer*, 18(6), 651–659. <https://doi.org/10.1016/j.clcc.2017.04.004>

<sup>2</sup> Mendelsohn, J., Lazar, V., & Kurzrock, R. (2015). Impact of Precision Medicine in Diverse Cancers: A Meta-Analysis of Phase II Clinical Trials. *Journal of clinical oncology : official journal of the American Society of Clinical Oncology*, 33(32), 3817–3825. <https://doi.org/10.1200/JCO.2015.61.5997>

<sup>3</sup> Wong WB, Anina D, Lin CW, and Adams D. Alignment of health plan coverage policies for somatic multigene panel testing with clinical guidelines in select solid tumors. *Per Med* 2022; 10.2217/pme-2021-0174.

**We urge you to support this data-driven, evidence-based legislation to ensure more equitable access to biomarker testing.**

If you have any questions about this legislation or biomarker testing more generally, please reach out to me at [Hilary.Gee@cancer.org](mailto:Hilary.Gee@cancer.org).

Sincerely,

A handwritten signature in cursive script that reads "Hilary Gee Goeckner".

Hilary Gee Goeckner, MSW  
Director, State & Local Campaigns – Access to Care  
American Cancer Society Cancer Action Network