

HOUSE No. 1137

The Commonwealth of Massachusetts

PRESENTED BY:

Meghan Kilcoyne

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to cancer patient access to biomarker testing to provide appropriate therapy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>2/16/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/26/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/26/2021</i>

HOUSE No. 1137

By Ms. Kilcoyne of Northborough, a petition (accompanied by bill, House, No. 1137) of Meghan Kilcoyne and others relative to insurance coverage for biomarker testing for certain cancer patients. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to cancer patient access to biomarker testing to provide appropriate therapy.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after
2 section 17Q, the following section:-

3 Section 17R. Any coverage offered by the commission to an active or retired employee of
4 the commonwealth insured under the group insurance commission, shall not require prior
5 authorization for biomarker testing for an enrollee with advanced or metastatic stage 3 or 4
6 cancer, nor shall prior authorization be required for biomarker testing of cancer progression or
7 recurrence in the insured with advanced or metastatic stage 3 or 4 cancer.

8 For purposes of this section, “biomarker test” means a diagnostic test of the cancer
9 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA
10 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

11 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after
12 section 10L, the following section:-

13 Section 10M. The division shall not require prior authorization for biomarker testing for
14 an enrollee with advanced or metastatic stage 3 or 4 cancer, nor shall prior authorization be
15 required for biomarker testing of cancer progression or recurrence in the insured with advanced
16 or metastatic stage 3 or 4 cancer.

17 For purposes of this section, “biomarker test” means a diagnostic test of the cancer
18 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA
19 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

20 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after
21 section 47KK, the following section:-

22 Section 47LL. The following shall not require prior authorization for biomarker testing
23 for an enrollee with advanced or metastatic stage 3 or 4 cancer, nor shall prior authorization be
24 required for biomarker testing of cancer progression or recurrence in the insured with advanced
25 or metastatic stage 3 or 4 cancer.: (i) any policy of accident and sickness insurance, as described
26 in section 108, which provides hospital expense and surgical expense insurance and which is
27 delivered, issued or subsequently renewed by agreement between the insurer and policyholder in
28 the commonwealth; (ii) any blanket or general policy of insurance described in subdivision (A),
29 (C) or (D) of section 110 which provides hospital expense and surgical expense insurance and
30 which is delivered, issued or subsequently renewed by agreement between the insurer and the
31 policyholder in or outside of the commonwealth; or (iii) any employees health and welfare fund
32 which provides hospital expense and surgical expense benefits and which is delivered, issued or
33 renewed to any person or group of persons in the commonwealth.

34 For purposes of this section, “biomarker test” means a diagnostic test of the cancer
35 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA
36 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

37 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after
38 section 8MM, the following section:-

39 Section 8NN. Any contract between a subscriber and the corporation under an individual
40 or group hospital service plan which is delivered, issued or renewed within the commonwealth
41 shall not require prior authorization for biomarker testing for an enrollee with advanced or
42 metastatic stage 3 or 4 cancer, nor shall prior authorization be required for biomarker testing of
43 cancer progression or recurrence in the insured with advanced or metastatic stage 3 or 4 cancer.

44 For purposes of this section, “biomarker test” means a diagnostic test of the cancer
45 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA
46 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

47 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after
48 section 4MM, the following section:-

49 Section 4NN. Any subscription certificate under an individual or group medical service
50 agreement delivered, issued or renewed within the commonwealth shall not require prior
51 authorization for biomarker testing for an enrollee with advanced or metastatic stage 3 or 4
52 cancer, nor shall prior authorization be required for biomarker testing of cancer progression or
53 recurrence in the insured with advanced or metastatic stage 3 or 4 cancer.

54 For purposes of this section, “biomarker test” means a diagnostic test of the cancer
55 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA
56 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

57 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after
58 section 4EE, as so appearing, the following section:-

59 Section 4FF. Any individual or group health maintenance contract shall not require prior
60 authorization for biomarker testing for an enrollee with advanced or metastatic stage 3 or 4
61 cancer, nor shall prior authorization be required for biomarker testing of cancer progression or
62 recurrence in the insured with advanced or metastatic stage 3 or 4 cancer.

63 For purposes of this section, “biomarker test” means a diagnostic test of the cancer
64 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA
65 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.