

ALA_Biomarker Bill Testimony_SB805_3-15-23.pdf

Uploaded by: Aleks Casper

Position: FAV



American Lung Association Testimony Senate Bill 805
Finance Committee
March 15, 2023
Support

Chair Griffith, Vice-Chair Klausmeir and Members of the Committee:

Thank you for the opportunity to provide comments on Senate Bill 805, Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing sponsored by Senator Ellis. The American Lung Association **strongly supports** this bill as originally drafted as it will improve access to critical care for patients in Maryland by providing increase access to biomarking testing, including those with lung cancer.

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases. This includes the more than 34 million American’s living with lung diseases, and more than [3,000](#) people living with lung cancer in Maryland.

Comprehensive biomarker testing allows doctors to identify abnormalities in a cell’s DNA, which in turn helps healthcare providers determine the best course of treatment for cancer patients. This is particularly important when treating lung cancer, as there are currently FDA-approved lung cancer treatments for tumor abnormalities in seven distinct genes.¹ Studies show that lung cancer patients that have access to biomarker testing and are thus able to receive targeted therapy treatments have better overall chances of survival.² Biomarker testing is a crucial part of both cancer care and treatment of other chronic conditions and has been incorporated into many clinical guidelines so that doctors may make the best decisions for their patients’ health.

Despite the evidence for the value of biomarker testing, most health coverage plans have been found to be more restrictive than the National Comprehensive Cancer Network’s guidelines for biomarker testing.³ Many patients who should receive biomarker testing may be unable to do so because of insurance coverage restrictions and high out-of-pocket costs. Therefore, it is important that Senate Bill 805 increases coverage of biomarker testing and removes some of these barriers to care. The Lung Association is especially pleased that Senate Bill 805 would ensure coverage of biomarker testing through Maryland Medicaid as well.

Maryland has an opportunity to increase equitable access to health care by passing this bill. Current biomarker testing rates reflect significant racial disparities. For example, research shows that Black patients with non-small cell lung cancer are less likely to receive testing than white patients.⁴ The Lung Association supports Senate Bill 805 as a step towards closing these gaps.

The Lung Association would encourage lawmakers to ensure Senate Bill 805 does not try and limit coverage for biomarker testing outside of oncology. Treatment for many chronic diseases may also rely on biomarker testing, such as rheumatoid arthritis, diabetes, and certain rare diseases. The Lung Association urges lawmakers to preserve Senate Bill 805 as written so that coverage of biomarker testing is not only limited to oncology to ensure all patients in Maryland are receiving the best care that they can.

The Lung Association thanks the Maryland General Assembly for their continued commitment to the health and wellbeing of the residents of Maryland. Increasing coverage for biomarker testing will improve health equity in Maryland and make cancer and chronic disease care more affordable and more accessible for patients. The Lung Association ***strongly supports*** Senate Bill 805 as drafted and encourages swift action and favorable report to move the bill out of committee and passage by the General Assembly.

Sincerely,



Aleks Casper
Director of Advocacy, Maryland
202-719-2810
aleks.casper@lung.org

¹ [Lung Cancer Biomarker Testing | American Lung Association](#)

² [Value of Precision Medicine in Advanced Non-Small Cell Lung Cancer: Real-World Outcomes Associated with the Use of Companion Diagnostics - PubMed \(nih.gov\); The Effect of Advances in Lung-Cancer Treatment on Population Mortality - PubMed \(nih.gov\)](#)

³ [Alignment of health plan coverage policies for somatic multigene panel testing with clinical guidelines in select solid tumors \(futuremedicine.com\)](#)

⁴ Presley CJ, PR, Chiang AC, Longtine JA, Adelson KB, Herbst RS, Nussbaum NC, Sorg R, Abernethy AP, Agarwala V, and Gross CP. Disparities in next generation sequencing in a population-based community cohort of patients with advanced non-small cell lung cancer. *Journal of Clinical Oncology* 2017 35:15_suppl, 6563-6563.

AKF Letter of Support MD SB 805.pdf

Uploaded by: Ari Holland-Baldwin

Position: FAV

The Honorable Melony Griffith
3E Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401-1991

March 14, 2023

RE: SB 805, Required Coverage for Biomarker Testing – SUPPORT

Chair Griffith, Vice-Chair Klausmeier, and members of the committee:

On behalf of all the people we serve in Maryland, including the 17,739 residents currently living with End-Stage-Renal Disease (ESRD) we respectfully request your support for Senate Bill 805. This important bill would ensure that patients facing chronic diseases, such as kidney disease, are able to access and afford biomarker testing when necessary.

The American Kidney Fund (AKF) is the nation's leading nonprofit organizations working on behalf of the 37 million Americans living with kidney disease, and the millions more at risk, with an unmatched scope of programs that support people wherever they are in their fight against kidney disease, from prevention through transplant. With programs that address early detection, disease management, financial assistance, clinical research, innovation and advocacy, no kidney organization impacts more lives than AKF. We are also one of the nation's top-rated nonprofits, investing 97 cents of every donated dollar in programs, AKF has also received the highest 4-Star rating from Charity Navigator for 19 consecutive years, as well as the Platinum Seal of Transparency from Guidestar.

One of the American Kidney Fund's top priorities is to advocate for health equity—and we believe that healthcare access and affordability are critical components. Without action to expand coverage of promising medical testing, such as biomarker testing, advances in precision medicine will likely lead to an increase in existing disparities in health outcomes.

We believe that removing barriers to biomarker testing will ensure that all patients—regardless of race, ethnicity, gender, age, socioeconomic status or zip code—will benefit from better care. This, we submit to you today, is simply good public policy, which is why we respectfully request your support for this bill.

Thank you again for your time and for your careful consideration of SB 805. If you have any questions, please feel free to contact me directly at any time.

Sincerely,

Ari Holland-Baldwin

Associate Director of State Policy and Advocacy

(240) 292-7069 [direct](tel:2402927069)

aholland@kidneyfund.org

SB0805_FAV_MedChi, MDCSCO_Medicaid & HI - Required

Uploaded by: Danna Kauffman

Position: FAV



The Maryland State Medical Society
63711 Cathedral Street
Baltimore, MD 263701-5516
410.539.0872
Fax: 410.547.0915
1.800.492.1056
www.medchi.org

TO: The Honorable Melony Griffith, Chair
Members, Senate Finance Committee
The Honorable Arthur Ellis

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer
J. Steven Wise
Andrew G. Vetter
Christine K. Krone
410-244-7000

DATE: March 15, 2023

RE: **SUPPORT** – Senate Bill 805 – *Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing*

On behalf of the Maryland State Medical Society and the Maryland/District of Columbia Society of Clinical Oncology, we submit this letter of **support** Senate Bill 805. Senate Bill 805 requires the Medicaid program and commercial carriers to provide coverage for biomarker testing for the purpose of diagnosis, treatment, appropriate management, or ongoing monitoring of a disease or condition that is supported by medical and scientific evidence. The testing remains subject to cost-sharing and utilization review.

Cancer biomarkers are genes, proteins, or other substances that can be tested to reveal important details about a patient’s cancer. For many patients with cancer, biomarker testing can provide useful and necessary information, such as showing whether the cancer is likely to grow and spread and what treatment options may be the most beneficial. Not all cancer cells are alike, and patients react differently even with the same type of cancer. These differences might also affect how well the cancer responds to certain types of treatment, which work best when the cancer cells have certain features that make them different from normal cells. Some of these differences can be tested for as biomarkers. The differences in the features of cancer cells are the basis for how targeted drugs work. Biomarker testing before treatment can help show if these drugs are likely (or unlikely) to be helpful.

We caution that in mandating biomarker testing, we ensure that access to it is not negatively affected by cost-sharing requirements that place it out of reach or prior authorization requirements that reduce the availability of testing or denial testing. With that said, we request a favorable vote on Senate Bill 805.

SB0805_FAV_MTC_Medicaid & HI - Required Coverage f

Uploaded by: Drew Vetter

Position: FAV



MARYLAND TECH COUNCIL

TO: The Honorable Melony Griffith, Chair
Members, Senate Finance Committee
The Honorable Arthur Ellis

FROM: Andrew G. Vetter
Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Christine K. Krone
410-244-7000

DATE: March 15, 2023

RE: **SUPPORT** – Senate Bill 805 – *Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing*

The Maryland Tech Council (MTC) writes in **support** of *Senate Bill 805: Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing*. We are a community of over 700 Maryland member companies that span the full range of the technology sector. Our vision is to propel Maryland to become the number one innovation economy for life sciences and technology in the nation. We bring our members together and build Maryland's innovation economy through advocacy, networking, and education.

Senate Bill 805 requires the Maryland Medical Assistance Program and other insurers to provide coverage for biomarker testing in certain circumstances. Due to the innovative life science companies that produce such tests, biomarker testing has become a crucial method to detect diseases and conditions earlier. This is important because treatment is often more effective when a condition is detected earlier.

Unfortunately, the out-of-pocket costs for biomarker testing can be prohibitively expensive for most people. That is why it is so important for Medicaid and other insurers to provide coverage for this testing. If passed, this legislation will expand access to this potentially life-saving testing to all Marylanders.

We urge a favorable report.

Testimony on SB0805.pdf

Uploaded by: Elizabeth Hastings

Position: FAV

March 9, 2023

SB0805
Maryland Medical Assistance Program and Health Insurance
Required Coverage for Biomarker Testing

FAV

Elizabeth Hastings
4801 Hampden Lane
Bethesda, MD 20814

Dear Chair and Committee Members

I am writing in support of this bill because it is vital to the treatment of cancer and many other illnesses. I was diagnosed with non-small lung cancer in 2016. A few months later metastasis was found in my spine. My oncologist ordered that my tumor be tested for biomarkers, and the test revealed that I had a mutation for which there is targeted therapy. The cancer has progressed twice since then, and each time biomarker tests revealed a new mutation for which there was another targeted therapy and I'm now in a clinical trial for a new targeted therapy drug.

The disease is terminal, but biomarker testing as well as lung cancer research have given me years of life I would not have had otherwise. Unfortunately, the test is expensive and insurance companies are reluctant to cover it. On my first test, our insurance company denied coverage because the test was experimental even though it is widely used in medical treatment. After we and my oncologist appealed, the coverage was granted. This is not often the case for many other patients, who face coverage obstacles.

I urge you to support this legislation so that all Maryland citizens will have access to this vital tool in medical treatment.

Respectfully,

Elizabeth Hastings

SB805_BiomarkerTesting_KennedyKrieger_Support.pdf

Uploaded by: Emily Arneson

Position: FAV



DATE: March 15, 2023 **COMMITTEE:** Senate Finance
BILL NO: Senate Bill 805
BILL TITLE: Maryland Medical Assistance Program and Health Insurance - Required Coverage for Biomarker Testing
POSITION: Support

Kennedy Krieger Institute supports Senate Bill 805 - Maryland Medical Assistance Program and Health Insurance - Required Coverage for Biomarker Testing.

Bill Summary:

Senate Bill 805 requires Maryland Medicaid and private payors to provide coverage for biomarker testing.

Background:

Kennedy Krieger Institute is an internationally recognized institution dedicated to improving the lives of children and adults with developmental disabilities and disorders of the brain, spinal cord and musculoskeletal system. The Institute serves over 27,000 patients per year, a significant portion of whom have a genetic basis for their disability. Kennedy Krieger currently employs seven certified genetic counselors, two board-certified medical geneticists, and numerous other physician specialists who utilize genetic testing in their care of their patients.

Rationale:

Under the legislation, the definition of “biomarker testing” includes genetic tests. The rapid growth of medical genetics has affected virtually all areas of medicine. Over the past decade, advances in genomic technology and research have elucidated the genetic basis of a vast array of health conditions including neurodevelopmental disorders. Research has also identified promising pathways to targeted therapeutics. Identifying the genetic etiology of a patient’s medical or neurodevelopmental disorder has an array of benefits and can lead to improved outcomes. Results of genetic testing frequently impacts medical management, prognostication, treatment, and family counseling.

Unfortunately, the current Medicaid coverage of genetic testing is variable, where some tests are covered while others are not. Opening reimbursement for biomarker testing will enable broader access to medically necessary genetic testing for individuals with Medicaid. Many Medicaid recipients, especially children with disabilities, have an underlying genetic disorder as the cause of their health or developmental problem. Identifying the genetic diagnosis (via biomarker testing) can lead to improved outcomes and access to disease modifying treatments.

Kennedy Krieger Institute requests a favorable report on Senate Bill 805.

20230314_Biomarker SB 805_letter of support_MD1.pdf

Uploaded by: Jocelyn Thompson

Position: FAV



March 14, 2023

Dear Honorable Members of the Senate Committee on Finance:

We are writing to ask for your support for SB 805 which would provide coverage for biomarker testing for Maryland National Marrow Donor Program (NMDP) operates the federally authorized bone marrow program that matches living unrelated adult donors with patients in need of a life-saving transplant. Our top priority is getting our patients, who suffer from blood cancers and disorders and chronic disease, the treatment they need. Biomarker testing is one tool physicians can use to determine the best treatment for their patients. Ensuring access to that testing increases the likelihood that a patient gets the right treatment at the right stage, as well as relieves the stress of possibly having to pay out of pocket for a test they need.

SB 805 will ensure that more Maryland patients have access to biomarker testing. Research shows that there are disparities in patients who are currently benefitting from biomarker testing – people of color, and those in rural communities are less likely to be tested. Improving access to biomarker testing is key for reducing disparities in cancer and chronic disease outcomes.

Biomarker testing is the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker. Biomarker testing is an important step for accessing precision medicine, including targeted therapies that can lead to improved survivorship and better quality of life for patients. Additionally, many clinical trials require biomarker testing to identify eligible participants, which gives patients access to new and cutting-edge life-saving treatments.

While the majority of the diseases we facilitate transplants for are blood cancers, biomarker testing is also critical to treating non-malignant chronic diseases such as Sickle Cell Disease (SCD) and graft versus host disease (GvHD). SCD is a chronic disorder which causes the body to make unhealthy red blood cells, causing organ damage, and need for a bone marrow transplant as a life-saving treatment. GvHD is a debilitating and potentially deadly side effect of a bone marrow transplant, in which the donor immune cells attack the patient's healthy cells. It is critical that access to biomarker testing include both malignant cancer and chronic disease to provide determine best treatment and allow for enrollment in clinical trials.

SB 805, aligns coverage of biomarker testing with the latest science, providing a gateway to targeted therapies that can lead to better health outcomes and improved quality of life. Greater access to biomarker testing can allow SB 805 to bypass costly and ineffective treatments by connecting patients with therapies that will be most effective for their individual disease right away. Please support SB 805 to increase access to biomarker testing for Maryland who could benefit.

Sincerely,

Jocelyn Thompson

Jocelyn Thompson

Advocacy Specialists

National Marrow Donor Program/ Be The Match

ACS CAN - 2023 SB 805 FAV - Biomarker Testing - Se

Uploaded by: Lance Kilpatrick

Position: FAV



American Cancer Society Cancer Action Network
655 15th Street, NW, Suite 503
Washington, DC 20005

Thank you, madam chair and members of the committee, for the opportunity to testify in support of Senate Bill 805. My name is Lance Kilpatrick and I am the Government Relations Director for Delaware, Maryland & Washington DC for the American Cancer Society Cancer Action Network (ACS CAN). This year it is estimated that over 35,000 Marylanders will hear the words 'you have cancer' and over 11,000 will die of the disease. Progress in improving cancer outcomes increasingly involves the use of precision medicine, which uses information about a person's own genes or proteins to prevent, diagnose or treat diseases like cancer. Biomarker testing involves analyzing a tumor or in some cases a blood sample to identify gene alterations or expression of proteins that may impact treatment decisions. Timely access to guideline-indicated comprehensive biomarker testing is key to accessing precision medicine including targeted and immunotherapies that can lead to improved survivorship, better quality of life, and reduced costs as some unnecessary or ineffective treatments can be avoided with information from biomarker testing.

Unfortunately, there is disparate access to biomarker testing in Maryland. For example, according to one study, 73% of Marylanders with commercial health plan coverage are in plans considered more restrictive than the National Comprehensive Cancer Network (NCCN) guidelines for multigene panel tests which may save time, money, and tissue. In addition, some communities such as those with lower socioeconomic status are less likely to receive biomarker testing in the current environment. In a 2021 survey of over 300 oncology providers, 66% reported that insurance coverage for biomarker testing was a significant or moderate barrier to appropriate biomarker testing.

It's important to underscore that biomarker testing is not indicated or appropriate for all cancer patients. We are not advocating for coverage of every existing biomarker test; rather, this legislation is tied to rigorous sources of medical and scientific evidence, such as clinical practice guidelines, that guide who should receive this testing.

Improving access to biomarker testing that leads to increased access to targeted therapies can reduce health disparities and allow more communities to benefit from the latest advancements in precision medicine.

Thank you, again, for the opportunity to speak to you today. We urge your support of Senate Bill 805 to make it possible for more patients to get the right treatment at the right time.

SB805_FAV_MPCAC.pdf

Uploaded by: Michael Weinstein

Position: FAV

MPCAC

MARYLAND PATIENT CARE AND ACCESS COALITION

March 14, 2023

VIA ELECTRONIC SUBMISSION

Melony Griffith, *Chair*
Finance Committee
Miller Senate Office Building
11 Bladen Street, 3 East Wing
Annapolis, MD 21401

Re: S.B. 805- Maryland Medical Assistance Program and Health Insurance - Required Coverage for Biomarker Testing

Dear Chairwoman Griffith:

We are writing to you on behalf of the Maryland Patient Care and Access Coalition (“MPCAC”) to express our support for S.B. 805. MPCAC believes that it is vital to Maryland patients to have improved access to biomarker testing by requiring Maryland health plans to cover biomarker testing for the purpose of diagnosis, treatment, appropriate management, and ongoing management of a disease or condition, as supported by medical and scientific evidence.

MPCAC strongly believes that S.B. 805 would allow Marylanders to have access to a type of precision medicine that has proven vital in the diagnosis, treatment, and maintenance of patients with colorectal cancer, inflammatory bowel disease, non-small cell lung cancer, breast cancer, and prostate cancer, among other diseases and conditions. **MPCAC proudly supports S.B. 805 and stands ready to serve as an ongoing resource to the Health and Government Operations Committee in its efforts to improve access to this important testing option.**

The Maryland Patient Care and Access Coalition

For nearly 20 years, the MPCAC has been the voice of independent physician specialty practices in the State that deliver integrated, high-quality, cost-efficient care to patients in the medical office and freestanding ambulatory surgical facility (“FASF”) settings. With hundreds of physicians in the fields of gastroenterology, orthopaedic surgery, urology, pathology, radiation oncology, and anesthesiology, MPCAC’s member medical practices cared for Marylanders in nearly two million patient visits during the past year. In addition, the physicians in MPCAC’s member practices perform approximately 200,000 procedures in FASFs and endoscopy centers annually.

EXECUTIVE BOARD

Chairman of the Board & President
NICHOLAS P. GROSSO, M.D.
President and CEO
The Centers for Advanced Orthopaedics

Vice-Chairman
BEN LOWENTRITT, M.D.
Chesapeake Urology Associates

Chair, Health Policy
MICHAEL WEINSTEIN, M.D.
Chief Executive Officer
Capital Digestive Care

Secretary
RAJA TAUNK, M.D.
Anne Arundel Gastroenterology Associates

Treasurer
BRIAN RAMOS
Chief Operating Officer
Capital Anesthesia Partners

S.B. 805- Biomarker Testing

S.B. 805 will provide Maryland patients with expanded access to biomarker testing, which will enable patients to receive more targeted therapies and/or monitoring of their diseases and debilitating chronic conditions. Biomarker testing helps physicians and other health care providers determine the best treatment for a patient by analyzing biological samples taken from a patient and analyzing it for specific biomarkers. When biomarkers are identified, a physician can determine the best treatment plan for a specific patient, including the potential use of precision medicines.

Advances in treatment from the use of biomarker testing and targeted therapy has proven to be effective, but there have been racial, ethnic, and socioeconomic disparities in access and utilization of these services. Studies have shown that certain ethnic minorities are less likely to receive biomarker testing. One study showed that older, Black, uninsured, or Medicaid-insured individuals are less likely to receive testing for certain guideline-indicated biomarkers for colorectal cancer.¹ Increasing access to coverage could reduce disparities in cancer survival.

A 2021 study showed that 66% of oncology providers reported that insurance coverage for biomarker testing is a significant-to-moderate barrier for biomarker testing.² By enacting S.B. 805 and making biomarker testing a covered service, Maryland patients would have one less barrier in obtaining biomarker testing. Under this bill, health plans are still protected from overutilization of biomarker testing because nothing in this bill prevents a health plan from charging a relevant copay or coinsurance.

A physician leader of one of MPCAC's member medical practices described the amazing utility of biomarker testing in the treatment of inflammatory bowel disease (IBD). He noted that this type of testing is now a well-established tool used in stratifying patients to determine those who are at a higher risk of complicated IBD and therefore candidates for biologic medications. The patients identified as low risk can avoid higher-cost medications. The cost of the testing is relatively small in comparison to the cost of managing complications or the annual drug costs.

Genetic biomarker tests also enable physicians to stratify patients for risk of colon or gastric cancers. High-risk patients would undergo more frequent surveillance, while lower-risk patients would need to undergo less surveillance. Essentially, biomarker testing can allow providers to focus resources where needed and save resources where they are not needed.

Overall, by securing coverage for biomarker testing, S.B. 805 will provide greater access to critical testing for cancer and various chronic conditions, especially in underserved communities and communities of color, thereby improves the quality of life for patients while doing so in an economical manner. MPCAC looks forward to continuing to serve as a trusted

¹ Lamba, N., & Iorgulescu, B. (2020). Disparities in microsatellite instability/mismatch repair biomarker testing for patients with advanced colorectal cancer. *Cancer Epidemiol Biomarkers Prev* December 1 2020 (29) (12 Supplement) PO-091; DOI: 10.1158/1538-7755.DISP20-PO-091.

² ACS CAN. "Survey Findings Summary: Understanding Provider Utilization of Cancer Biomarker Testing Across Cancers." December 2021.

https://www.fightcancer.org/sites/default/files/national_documents/provider_utilization_of_biomarker_testing_polling_memo_dec_2021.pdf

Melony Griffith, *Chair*

Finance Committee

March 14, 2023


Page 3

partner to members of the Maryland General Assembly as we work together to confront the challenges and opportunities facing our health care system and to promote and protect the high quality, cost-efficient and convenient care furnished in the independent medical practice setting.

Sincerely,



Nicholas P. Grosso, M.D.
Chairman of the Board & President, MPCAC



Benjamin Lowentritt, M.D.
Board Member, MPCAC

cc: All Health and Government Operations Committee Members
Joe Bryce, Manis Canning & Associates

SB 805 (2).pdf

Uploaded by: Nova Coston

Position: FAV

(Opening)

Good Afternoon Madam Chair Griffith and Madam Vice Chair Klausmeier, members of the Finance committee.

I am Senator Arthur Ellis representing the 28th Legislative District of Maryland, Charles County.

I am here today to present **Senate Bill 805 - Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing**. I will now ask that my witness panel come join me.

Senate Bill 805 requires the Maryland Medical Assistance Program and private insurance carriers to provide coverage for biomarker testing that is supported by medical and scientific evidence. It also establishes utilization review for biomarker testing to create a standard for accessing this technology that improves treatment outcomes and saves money in the health care system.

SB 805 is an important piece of legislation that is critical for ensuring that detection of cancers and other diseases can be found more expeditiously, particularly in Black women and men. Despite evidence demonstrating the effectiveness of biomarker testing and targeted therapy, not all individuals currently benefit equitably from these advances. There are notable racial, ethnic, and socioeconomic disparities in access and utilization of these advancements in care. These disparities in access and use of medically necessary biomarker testing and targeted therapy can potentially widen existing disparities in patient survival. The national Black Caucus of State Legislators adopted resolutions recognizing the importance of biomarker testing in advancing health equity and reducing disparities.

I'm also so pleased to tell you that the advocates and the carriers have agreed to a few amendments that make this bill technically sufficient and meaningful to the people of Maryland. Madam Chair, I want you to know that we did the hard work before the hearing to come before you with the amendments we've all agreed to and I've requested.

The amendments we agreed to with the carriers do three things:

- 1) One adds a definition and makes a clarifying amendment regarding the allowed purpose of a biomarker test;
- 2) The second eliminates one of the 6 criteria listed in the bill regarding the tests to be covered; and
- 3) The third eliminates the creation of a separate prior authorization standard.

In addition to these compromise amendments, the Maryland Legislative Black Caucus is requesting two additional amendments:

- 1) One directs the Office of Minority Health & Health Disparities to convene a workgroup to develop an outreach plan to educate communities negatively impacted by health disparities about biomarkers and biomarker testing; and
- 2) One directs the Maryland Health Care Commission to report on the impact of providing access to biomarker testing to individuals based on race, gender, age, and public or private insurance. I also want to thank MHCC for working collaboratively with me, the Black Caucus and our other stakeholders.

HOWEVER, I would also like to express my extreme disappointment with the letter submitted by the Maryland Health Department and their noted absence from this hearing today. It is perplexing to see such a difference between what's in a fiscal note and what's in their written testimony. Private insurance carriers see the value of medically necessary biomarker testing – see that it saves money and helps improve health outcomes. There's no acknowledgement by the Health Department of the cost savings – not to

mention the impact on people's health and lives – when someone gets more appropriate treatment for their condition. How is it fair that you and I can have the best that science offers, but we deny it to those living in poverty? I hope the Department is watching this bill hearing today and is able to follow up with me, the Black Caucus and this committee.

Four states have already enacted this law: Arizona, Illinois, Louisiana, and Rhode Island. If we are serious about saving lives, especially Black lives that have been impacted by cancer and other diseases more than any other race, I respectfully ask that Maryland join the aforementioned States by passing Senate Bill 805.

(Closing)

Thank you to Madam Chair Griffith and Madam Vice Chair Klausmeier for the opportunity to present **Senate Bill 805 and I ask for your favorable report.**

ICAN to Chair Griffith in Support of SB 805, Bioma

Uploaded by: Steve Horn

Position: FAV

27 West Morten Avenue
Phoenix, AZ 85021-7246
phone (602) 618-0183 · fax (602) 926-8109
programs@askican.org · askican.org

3944 Pine Avenue
Long Beach, CA 90807
phone (562) 427-5561

ICAN Boards and Councils

Founding Chairman
Sidney M. Rosen, Esq.

Chairman, Board of Trustees
Sherry Weinstein

President and CEO
Marcia K. Horn, JD

*Chairman, Physicians Council and
Health Information Technology Council*
Robert H. Tamis, MD

Chairman, Board Governance
Carey Gregory

Chairman, Advisory Council
Cathy Dalzell

Honorary Chair, Board of Trustees
Cheryl J. Hintzen-Gaines

*Honorary Chairman, International
Corporate Advisory Council*
Robert T. Hanlon, PhD

Honorary Chair, International Board
Marc Mondavi

Co-Chairs, Golf Invitational
Wendy Look and Cathy Dalzell

Chairman, Texas Board of Advisors
Chuck Clayton

Chairman, Scientific Advisory Council
G. Robert Pettit, PhD

Chairman, Biomarkers Council
Scott M. Kahn, PhD

Health Equities Council
Andrew J. Brown, Jr., Director

Surgical Oncology Council
Björn Brücher, MD, FRCS, FACS, Chairman
Jeffrey M. Farma, MD

Medical Oncology Council
Wishwdeep Dhillon, MD
Michael S. Gordon, MD
Jeffrey D. Isaacs, MD
Shumei Kato, MD
Razelle Kurzrock, MD
John S. Link, MD
Robert A. Nagourney, MD
Sandip Patel, MD
Michael S. Roberts, MD
Shiva Singhal, MD

Radiology Council
Mitchell D. Achee, MD
and Gregory Goldstein, MD, Co-Chairmen

Interventional Radiology Council
Charles Nutting, DO and Fabio Komlos, MD,
Chairs

*Anatomic Pathology and
Molecular Diagnostics Council*
Anthony M. Magliocco, MD, Chairman
Arthur E. Sitelman, MD
Qingmei Xie, MD



March 14, 2023

The Honorable Melony Griffith
Chair
Finance Committee
Maryland State Senate
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Support for SB 805-- Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing (Senator Ellis)

Dear Chair Griffith and Members of the Committee,

We are writing in strong support of SB 805— Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing, sponsored by Senator Ellis. SB 805 will ensure that those Marylanders covered by state regulated insurance plans, and by the Maryland Medical Assistance Program, will be covered for biomarker testing when medically appropriate.

Founded in 1996, ICAN, International Cancer Advocacy Network, is a Phoenix-based non-profit that has helped over 17,500 Stage IV metastatic cancer patients in Maryland, throughout the United States, and in 72 foreign countries. We work every day to secure the most effective drugs and treatments for our patients.

Our goal is to find the right drugs at the right time for each individual patient. Nothing is more critical in achieving that goal than testing for the ever-increasing number of actionable biomarkers identified in cancer. This testing allows the choice of the targeted drug most likely to reduce or eliminate that individual patient's specific cancer. Biomarker testing replaces educated guesswork with scientific evidence and makes truly personalized, precision medicine possible.

Stage IV metastatic cancer patients simply do not have the time to try any but the most optimal treatment options. Without the correct tests, delays in finding the right drugs at the right time lead to adverse consequences for the patient in terms of the cancer progressing to a more serious stage. This puts the patient in a

weakened condition when and if the right drugs are finally found—thus making that therapy less effective.

The negative result for the healthcare system—a very avoidable negative result—is that the patient’s care actually costs more overall: the costs of the wrong drugs initially, and then the higher costs for all the conditions that the patient suffers as a result of the inadequately treated and worsening disease.

For patients dealing with cancer, or other lethal or chronic diseases, finding “the right drug” for relief, treatment, or cure, can be a long struggle. The last thing that should happen is to make the patient (or an often overworked and overmatched oncology practice) fight with an insurance company to get the right test to know which drugs are most likely to work.

To delay the optimal treatment for any patient is wrong. To delay the optimal treatment for a Stage IV metastatic cancer patient is simply cruel beyond belief.

SB 805 ensures that the most vulnerable patients can quickly receive the treatments that biomarker tests indicate are most likely to be effective.

Codifying these critical patient protections into Maryland law is the right thing to do. Please let Stage IV metastatic cancer patients and their physicians fight cancer, not insurance companies.

Expanding coverage for biomarker testing will also help achieve other critical objectives of our health care system: reducing health disparities for the poor, for underserved ethnic or racial groups, and for residents of rural areas who lack access to comprehensive cancer centers.

On behalf of all the patients we serve in Maryland who will be helped by SB 805, we thank you for your consideration of this very worthy legislation, and we look forward to seeing it successfully go through the legislative process and be signed into law.

That will be a day that all Marylanders can celebrate.

Please do not hesitate to contact me at marcia@askican.org or (602) 618-0183 if you need any additional information. Thank you for your consideration.

Respectfully submitted,

Marcia K. Horn

Marcia K. Horn, JD

President and CEO

ICAN, International Cancer Advocacy Network

27 West Morten Avenue

Phoenix, AZ 85021-7246

(602) 618-0183

marcia@askican.org

<https://askican.org>

LBCMD Support Letter - SB 805 - Priority Bill .doc

Uploaded by: Ufuoma Agarin

Position: FAV



March 13, 2023

Chairwoman Melony Griffith,
3 East Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chairwoman Griffith and Members of the Finance Committee:

The Legislative Black Caucus of Maryland offers strong favorable support for Senate Bill 805 - Maryland Medical Assistance Program and Health Insurance - Required Coverage for Biomarker Testing. **This bill is on the 2023 legislative priority agenda of the Black Caucus.**

This bill will require the State's Medical Assistance Program, certain insurances, nonprofit health service plans, health organizations, and managed care organizations to administer adequate coverage for biomarker testing that is supported by medical evidence. Senate Bill 805 will also establish certain requirements regarding deductibles, copayments, and utilization review.

Today, members of the Black community are disproportionately impacted by cancer and are often diagnosed at a later stage, resulting in a higher mortality rate. There are many present disparities in cancer detection, and this bill aims to remedy and close the financial gap impacting many Black Marylanders. For many, this bill will prove to be a true saving grace, in that it aids and alleviates the strain often associated with providing coverage for necessary testing. If implemented, this legislation will provide resources and access to fair and equal coverage for those who need it most, saving the lives of many Marylanders. For these reasons, the Legislative Black Caucus of Maryland supports Senate Bill 805 and asks that you vote favorably on this bill.

Legislative Black Caucus of Maryland

SB 805 - Maryland Medical Assistance Program and H

Uploaded by: Vanessa Purnell

Position: FAV



9 State Circle, Ste. 303
Annapolis, MD 21401
P 410-216-6205
C 443-604-5393
i.vanessa.purnell@medstar.net

Vanessa Purnell
Assistant Vice President, Government
Affairs

SB 805 – Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing

Position: *Support*

Senate Finance Committee

March 15, 2023

Bill Summary

This bill will require the Maryland Medical Assistance Program and other insurers, nonprofit health service plans, health maintenance organizations, and managed care organizations to provide coverage for biomarker testing that is supported by medical and scientific evidence.

Rationale

MedStar Health is the largest healthcare provider in Maryland and the Washington, D.C., region. MedStar Health's more than 300 care locations include 10 hospitals, 33 urgent care clinics, ambulatory care centers, and primary and specialty care providers. We are also home to the MedStar Health Research Institute and a comprehensive scope of health-related organizations all recognized regionally and nationally for excellence. MedStar Health has one of the largest graduate medical education programs in the country, training 1,150 medical residents annually, and is the medical education and clinical partner of Georgetown University. MedStar Health's team of more than 32,000 includes physicians, nurses, and many other clinical and non-clinical associates who together support MedStar Health's patient-first philosophy that combines care, compassion, and clinical excellence with an emphasis on customer service.

Biomarker testing is a type of precision medicine that looks for genes, proteins, and other substances that can provide information about a patient's cancer or chronic condition. The results can help physicians choose the most effective, lifesaving treatment for an individual patient. Biomarker testing is essential to high-quality, personalized care and can be a real game-changer for treating serious illnesses, but unfortunately, patients cannot easily access it.

Insurance coverage has not kept pace with the speed of medical innovation, creating significant barriers to care for vulnerable patients. This bill will increase access to this lifesaving diagnostic tool by ensuring state-regulated health insurance, including Medicaid, will cover this critically important testing.

SB 805 – Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing

Position: **Support**

March 15, 2023

Page 2

It's time for Maryland to join Arizona, California, Illinois, Louisiana, and Rhode Island which have already passed laws to increase access to comprehensive biomarker testing. At this moment, legislation is moving forward in Kentucky and Oklahoma.

We support SB 805 because expanding access to biomarker testing will ensure Marylanders get the right treatment at the right time. This will create significant savings in the healthcare system and will ultimately save lives.

For the reasons stated above, we ask that you give SB 805 a **favorable** report.