

**HOUSE . . . . . No. 1137**

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**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>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>8/3/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>8/3/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>8/3/2021</i>

**HOUSE . . . . . No. 1137**

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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.

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**The Commonwealth of Massachusetts**

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