

Janet T. Mills
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Commissioner



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January 28, 2025

Senator Bailey, Chair
Representative Mathieson, Chair
Members, Joint Standing Committee on Health Coverage, Insurance, and Financial Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 107 –*An Act to Require Health Insurance Coverage for Biomarker Testing*

Senator Bailey, Representative Mathieson and members of the Joint Standing Committee on Health Coverage, Insurance, and Financial Services:

Thank you for the opportunity to provide information regarding the Office of MaineCare Services' (OMS) opposition to LD 107, *An Act to Require Health Insurance Coverage for Biomarker Testing*.

This bill requires insurance coverage, including coverage by the MaineCare program, for biomarker testing.

MaineCare already covers some biomarker testing when medically necessary and subject to prior authorization (PA). While the bill expressly permits commercial insurers to require PA for this testing, as drafted, the bill does not give MaineCare similar authority. Expanding the scope of coverage of biomarker testing without PA or other procedures to ensure clinical appropriateness could lead to unnecessary utilization and higher costs to MaineCare. Federal regulations require Medicaid services to be medically necessary and to safeguard against unnecessary utilization of care and services (42 CFR § 456.1). MaineCare requests changes in the bill's language to clarify MaineCare's ability to require prior authorization to ensure medical necessity.

We wanted you to be aware of the above information as you consider this bill going forward. If you have any further questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Probert", is located below the "Sincerely," text.

Michelle Probert
Director
Office of MaineCare Services
Maine Department of Health and Human Services