



Consumers for Affordable Health Care

Advocating the right to quality, affordable
health care for all Mainers.

P.O. Box 2490
Augusta, ME 04338
Telephone: 1-800-965-7476
Fax: 1-888-214-5233
www.maine cahc.org
consumerhealth@maine cahc.org

Testimony In Support of:

LD 1577, An Act to Require Health Insurance Coverage for Biomarker Testing

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Senator Bailey, Representative Perry, and Members of the Joint Standing Committee On Health Coverage, Insurance, and Financial Services, thank you for the opportunity to submit these comments in support of LD 1577, An Act to Require Health Insurance Coverage for Biomarker Testing.

My name is Ceilidh Shea, and I am the Policy Advocate at Consumers for Affordable Health Care, a nonpartisan, nonprofit organization that advocates the right to quality, affordable health care for every person in Maine.

As designated by Maine's Attorney General, CAHC serves as Maine's Health Insurance Consumer Assistance Program (CAP), which operates a toll-free HelpLine. Our HelpLine fields approximately 6,000 calls and emails every year from people across Maine who need help obtaining, keeping, using, or fixing problems with private health insurance or with accessing or affording health care services. CAHC also serves as the Ombudsman program for Maine's Medicaid program, MaineCare, and helps people apply for and navigate the enrollment process for MaineCare. It is with that background that we provide these comments.

Biomarker tests look for genes, proteins, or other substances that can provide information about cancer and the way it behaves. Each cancer patient has a unique pattern of biomarkers, some of which affect how certain treatments work. Some cancer treatments, including targeted therapies and immunotherapies, may only work for people whose cancers have certain biomarkers.ⁱ Biomarker tests can help doctors make better informed decisions regarding what treatment is most appropriate or will be most effective for a specific patient. In a cancer diagnosis, there is no time to waste on ineffective treatments that can exacerbate the physical, emotional, and economic burdens of disease.ⁱⁱ Biomarker tests help avoid ineffective treatments and can lead to increased survivorship and better quality of life for patients.

It's also important to note that although the applications of biomarker testing are currently in oncology and autoimmune disease, there is ongoing research to assess how biomarker tests can benefit patients with heart disease, neurological conditions, infectious disease, and respiratory conditions.ⁱⁱⁱ

Recent polling conducted in Maine, which we will be releasing soon, found that more than half of Mainers with commercial insurance faced difficulty paying for medical expenses not covered by insurance. More than half of Mainers also report being concerned that they won't be able to

afford the costs of a diagnostic test they need. When biomarker testing is not covered by insurance, patients may be required to pay hundreds or even thousands of dollars in out-of-pocket costs.

While most insurance plans offer coverage for some biomarker tests, one analysis found that 83% of commercial plans in Maine provided coverage for biomarker tests that was more restrictive than National Comprehensive Cancer Network guidelines, despite the fact that 9 in 10 providers rely on these guidelines to determine when to recommend a biomarker test.^{iv} Lack of insurance coverage can further exacerbate health care disparities when only some people have access to the most effective treatments, as a result of biomarker testing. To ensure that all people have access to biomarker tests (and therefore better chances of survival) it is crucial that these tests be covered by all plans, including private health plans, as well as MaineCare.

Cancer is the leading cause of death in Mainers. Biomarker testing is a proven solution to increasing survivorship and decreasing unnecessary, ineffective treatment. Most cancer patients do not have the luxury of time, or financial resources, to waste on exploring multiple ineffective treatments. All Mainers deserve access to high quality health care and to the most effective treatments available, which is why it is of the utmost importance that all health plans provide coverage for medically necessary biomarker testing, For this reason I urge you to support LD 1577.

ⁱ <https://www.cancer.gov/about-cancer/treatment/types/biomarker-testing-cancer-treatment#:~:text=Biomarker%20testing%20is%20a%20way,how%20certain%20cancer%20treatments%20work>

ⁱⁱ https://www.fightcancer.org/sites/default/files/state_documents/bmt_costs_and_cost_savings_0.pdf

ⁱⁱⁱ https://www.fightcancer.org/sites/default/files/state_documents/me_biomarker_testing_fact_sheet_5.pdf

^{iv} https://www.fightcancer.org/sites/default/files/state_documents/precision_medicine_and_biomarker_testing_fact_sheet_dec_2022_0.pdf