

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1689

67th Legislature
2022 Regular Session

Passed by the House March 7, 2022
Yeas 97 Nays 1

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2022
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1689** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1689

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Walen, Harris, Leavitt, Graham, Duerr, Davis, Slatter, and Tharinger)

READ FIRST TIME 01/27/22.

1 AN ACT Relating to exempting biomarker testing from prior
2 authorization for patients with late stage cancer; and adding a new
3 section to chapter 48.43 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43
6 RCW to read as follows:

7 (1) Health plans issued or renewed on or after January 1, 2023,
8 shall exempt an enrollee from prior authorization requirements for
9 coverage of biomarker testing for either of the following:

10 (a) Stage 3 or 4 cancer; or

11 (b) Recurrent, relapsed, refractory, or metastatic cancer.

12 (2) For purposes of this section, "biomarker test" means a single
13 or multigene diagnostic test of the cancer patient's biospecimen,
14 such as tissue, blood, or other bodily fluids, for DNA, RNA, or
15 protein alterations, including phenotypic characteristics of a
16 malignancy, to identify an individual with a subtype of cancer, in
17 order to guide patient treatment.

18 (3) For purposes of this section, biomarker testing must be:

19 (a) Recommended in the latest version of nationally recognized
20 guidelines or biomarker compendia, such as those published by the
21 national comprehensive cancer network;

1 (b) Approved by the United States food and drug administration or
2 a validated clinical laboratory test performed in a clinical
3 laboratory certified under the clinical laboratory improvement
4 amendments or in an alternative laboratory program approved by the
5 centers for medicare and medicaid services;

6 (c) A covered service; and

7 (d) Prescribed by an in-network provider.

8 (4) This section does not limit, prohibit, or modify an
9 enrollee's rights to biomarker testing as part of an approved
10 clinical trial under chapter 69.77 RCW.

11 (5) Nothing in this section may be construed to mandate coverage
12 of a health care service.

13 (6) Nothing in this section prohibits a health plan from
14 requiring a biomarker test prior to approving a drug or treatment.

15 (7) This section does not limit an enrollee's rights to access
16 individual gene tests.

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