

**ESHB 1689** - S COMM AMD

By Committee on Health & Long Term Care

**ADOPTED 03/04/2022**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43  
4 RCW to read as follows:

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

8 (a) Stage 3 or 4 cancer; or

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

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

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

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

20 (b) Approved by the United States food and drug administration or  
21 a validated clinical laboratory test performed in a clinical  
22 laboratory certified under the clinical laboratory improvement  
23 amendments or in an alternative laboratory program approved by the  
24 centers for medicare and medicaid services;

25 (c) A covered service; and

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

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

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

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

3 (7) This section does not limit an enrollee's rights to access  
4 individual gene tests."

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5 On page 1, line 2 of the title, after "cancer;" strike the  
6 remainder of the title and insert "and adding a new section to  
7 chapter 48.43 RCW."

EFFECT: Removes language prohibiting Medicaid from requiring  
enrollees with late stage cancer to obtain prior authorization for  
biomarker testing.

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