

MAR 04 2025

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL  
EFFECTS OF MANDATORY HEALTH INSURANCE COVERAGE FOR  
BIOMARKER TESTING.

1           WHEREAS, biomarker testing is an invaluable tool in the  
2 diagnosis, treatment, appropriate management, and ongoing  
3 monitoring of diseases or conditions; and  
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5           WHEREAS, biomarker testing is the analysis of a patient's  
6 tissue, blood, or other biospecimen for the presence of a  
7 biomarker; and  
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9           WHEREAS, biomarkers are characteristics that are  
10 objectively measured and evaluated as indicators of normal  
11 biological processes, pathogenic processes, or pharmacologic  
12 responses to specific therapeutic interventions, including known  
13 gene-drug interactions for medications being considered for use  
14 or already being administered, and includes gene mutations, gene  
15 characteristics, and protein expression; and  
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17           WHEREAS, biomarker tests have many different uses in  
18 clinical practice, including:  
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- 20           (1) Disease screening tests, such as prostate-specific  
21           antigen;  
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- 23           (2) Diagnostic tests, such as pathologic or histologic  
24           assessment of a tissue biopsy;  
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- 26           (3) Predictive tests, which are used to predict patient  
27           response to specific treatments;  
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1 (4) Treatment and posttreatment monitoring tests, which  
2 detect treatment complications or subsequent disease  
3 advancement; and  
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5 (5) Prognostic tests for estimating risk or time to  
6 clinical outcomes: for example, aggressive cancers  
7 have a poorer prognosis than more indolent cancers;  
8 and  
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10 WHEREAS, the predictive biomarker tests are used by health  
11 care providers to tailor treatment to a patient's clinical  
12 condition and treatment goals, leading to more effective and  
13 targeted interventions; and  
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15 WHEREAS, biomarker tests are used to diagnose and tailor  
16 treatments for a number of diseases and conditions, including  
17 Alzheimer's disease, amyotrophic lateral sclerosis (also known  
18 as Lou Gehrig's disease), cancers (specifically, breast cancer,  
19 melanoma, ovarian cancer, pancreatic cancer, and prostate  
20 cancer), hyperlipidemia, hypertension, lupus, Parkinson's  
21 disease, preeclampsia, rheumatoid arthritis, and sickle cell  
22 disease; and  
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24 WHEREAS, despite the fact that biomarker testing is  
25 essential to high-quality, personalized care to treat serious  
26 illness and enhance patients' quality of life, patients cannot  
27 easily access it; and  
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29 WHEREAS, to address this restrictive access, House Bill No.  
30 2223, H.D. 1, Regular Session of 2024 (HB2223 H.D. 1), required  
31 insurers, mutual benefit societies, and health maintenance  
32 organizations to provide coverage for medically necessary  
33 biomarker testing for the purposes of diagnosis, treatment,  
34 appropriate management, or ongoing monitoring of a person's  
35 disease or condition to guide treatment decisions when supported  
36 by medical and scientific evidence; and  
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38 WHEREAS, the Legislature adopted House Concurrent  
39 Resolution No. 53, Regular Session of 2024 (HCR53), to fulfill  
40 the requirements of sections 23-51 and 23-52, Hawaii Revised  
41 Statutes, that require a concurrent resolution be passed for the  
42 Auditor to review and prepare a report assessing the social and



1 financial effects of a proposed mandated health insurance  
2 coverage as proposed in HB2223 H.D. 1; and

3  
4 WHEREAS, in accordance with HCR53, the Auditor issued  
5 Report No. 25-01, "Assessment of Proposed Mandatory Health  
6 Insurance Coverage for Medically Necessary Biomarker Testing,"  
7 in which the Auditor determined that there would be "no social  
8 or financial impacts caused by the mandate requiring that health  
9 insurance policies provide coverage for medically necessary  
10 biomarker testing" as proposed in HB2223 H.D. 1; and

11  
12 WHEREAS, the Auditor's determination was based on the  
13 responses by insurers stating that "their policies are already  
14 required to include coverage for medically necessary biomarker  
15 testing"; and

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17 WHEREAS, barriers to access still persist as insurers may  
18 delay determinations of a biomarker test's medical necessity or  
19 deny coverage of the test, further requiring the patient to  
20 either pay for the costs out-of-pocket or appeal the denial; and

21  
22 WHEREAS, accordingly, the coverage for biomarker tests  
23 should not be limited to when such tests are deemed to be  
24 medically necessary by the insurer's medical director, when the  
25 patient's health care provider, after assessing the patient and  
26 reviewing medical and scientific evidence, has already concluded  
27 that a test would be appropriate in the patient's circumstances;  
28 and

29  
30 WHEREAS, section 23-51, Hawaii Revised Statutes, requires  
31 that "[b]efore any legislative measure that mandates health  
32 insurance coverage for specific health services, specific  
33 diseases, or certain providers of health care services as part  
34 of individual or group health insurance policies, can be  
35 considered, there shall be concurrent resolutions passed  
36 requesting the auditor to prepare and submit to the legislature  
37 a report that assesses both the social and financial effects of  
38 the proposed mandated coverage"; and

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40 WHEREAS, section 23-51, Hawaii Revised Statutes, further  
41 provides that "[t]he concurrent resolutions shall designate a  
42 specific legislative bill that:



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- 2 (1) Has been introduced in the legislature; and
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- 4 (2) Includes, at a minimum, information identifying the:
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- 6 (A) Specific health service, disease, or provider
- 7 that would be covered;
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- 9 (B) Extent of the coverage;
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- 11 (C) Target groups that would be covered;
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- 13 (D) Limitations on utilization, if any; and
- 14
- 15 (E) Standards of care.
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17 For purposes of this part, mandated health insurance coverage  
18 shall not include mandated optionals."; and

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20 WHEREAS, section 23-52, Hawaii Revised Statutes, further  
21 specifies the minimum information required for assessing the  
22 social and financial impact of the proposed health coverage  
23 mandate in the Auditor's report; and

24  
25 WHEREAS, House Bill No. 553, H.D. 1, Regular Session of  
26 2025, requires insurers, mutual benefit societies, and health  
27 maintenance organizations to provide coverage, beginning January  
28 1, 2026, for biomarker testing for the purposes of diagnosis,  
29 treatment, appropriate management, or ongoing monitoring of a  
30 person's disease or condition to guide treatment decisions when  
31 supported by medical and scientific evidence; now, therefore,

32  
33 BE IT RESOLVED by the Senate of the Thirty-third  
34 Legislature of the State of Hawaii, Regular Session of 2025, the  
35 House of Representatives concurring, that the Auditor is  
36 requested to assess the social and financial effects of  
37 mandating health insurance coverage for biomarker testing for  
38 the purposes of diagnosis, treatment, appropriate management, or  
39 ongoing monitoring of a person's disease or condition to guide  
40 treatment decisions when supported by medical and scientific  
41 evidence, as provided in House Bill No. 553, H.D. 1, Regular  
42 Session of 2025; and



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BE IT FURTHER RESOLVED that the Auditor is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2026; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Auditor, Director of Commerce and Consumer Affairs, and Insurance Commissioner.

OFFERED BY: 

