

MAR 04 2025

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;
25
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
23

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

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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

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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

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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

39
40 WHEREAS, section 23-51, Hawaii Revised Statutes, further
41 provides that "[t]he concurrent resolutions shall designate a
42 specific legislative bill that:



- (1) Has been introduced in the legislature; and
- (2) Includes, at a minimum, information identifying the:
 - (A) Specific health service, disease, or provider that would be covered;
 - (B) Extent of the coverage;
 - (C) Target groups that would be covered;
 - (D) Limitations on utilization, if any; and
 - (E) Standards of care.

For purposes of this part, mandated health insurance coverage shall not include mandated optionals."; and

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

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

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



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2 BE IT FURTHER RESOLVED that the Auditor is requested to
3 submit a report of its findings and recommendations, including
4 any proposed legislation, to the Legislature no later than
5 twenty days prior to the convening of the Regular Session of
6 2026; and
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8 BE IT FURTHER RESOLVED that certified copies of this
9 Concurrent Resolution be transmitted to the Auditor, Director of
10 Commerce and Consumer Affairs, and Insurance Commissioner.
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OFFERED BY: _____

A handwritten signature in black ink, appearing to be "P. D. D.", written over a horizontal line.