



**NEW YORK STATE
PUBLIC HEALTH ASSOCIATION**

Envisioning Healthy People in Healthy Places

Hon. Pamela Hunter
New York State Assembly
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Albany, NY 12224
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May 2, 2023

Hon. Roxanne Persaud
New York State Senate
430 New York State Capitol
Albany, NY 12224
persaud@nyenate.gov

Re: Support for S1196/A1673, which would improve access to biomarker testing

Dear Assemblymember Hunter & Senator Persaud,

The New York State Public Health Association strongly supports your legislation to ensure that more New Yorkers can benefit from biomarker testing—the key to unlocking targeted therapies. Specifically, we support *S1196/A1673*, which will ensure New Yorkers covered by state-regulated insurance plans, including Medicaid, have coverage for biomarker testing when medically appropriate.

Progress in improving cancer outcomes increasingly involves the use of precision medicine, which uses information about a person's own genes or proteins to prevent, diagnose, or treat diseases like cancer.

Biomarker is the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker. Biomarker testing is a crucial step for accessing precision medicine, including targeted therapies that can lead to improved survivorship and better quality of life for cancer patients.

While most current applications of biomarker testing are in oncology and autoimmune disease, there is research underway to benefit patients with other conditions including heart disease, neurological conditions like Alzheimer's disease, infectious disease, and respiratory illness.

Biomarker testing is increasingly important for cancer care—and for the treatment of other diseases. Two out of three oncology drugs launched in the past five years require or recommend biomarker testing prior to use. Eighty oncology drugs now require biomarker testing prior to use up from only twenty in the year 2011.

Biomarker testing is also increasingly important to enrolling patients in clinical trials as the number and percentage of cancer clinical trials that involve biomarkers has grown from 15% in 2000 to 55% in 2018.

Unfortunately, not all communities in New York State are benefitting from the latest advancements in biomarker testing and precision medicine. Patients who are older, Black, uninsured or Medicaid-insured, live in rural communities, and those who get their care in a community setting versus academic medical centers, are less likely to be tested for certain guideline-indicated biomarkers.

Without action, lack of access to biomarker testing could increase existing disparities in health outcomes by race, ethnicity, income, and geography.

Currently, insurance coverage for biomarker testing is failing to keep pace with innovation and advancement in treatment. Sixty-six percent of oncology providers reported that insurance coverage is a significant or moderate barrier to appropriate biomarker testing for their patients.

In New York State, 33% of commercial insurance plans provide coverage that is more restrictive than National Comprehensive Cancer Network guidelines. This means that while many New Yorkers are receiving the benefit of biomarker testing due to voluntary action by insurers, many New Yorkers are left without timely access to guideline-indicated comprehensive biomarker testing.

The bottom line is that timely access to guideline-indicated comprehensive biomarker testing can potentially help achieve the triple aim of health care including better health outcomes, improved quality of life, and reduced cost.

For these reasons, NYSPHA joins the more than 50 patient and provider groups supporting **S1196/A1673**, which will require state-regulated insurance plans, including Medicaid, to cover comprehensive biomarker testing when supported by medical and scientific evidence.

Thank you for being a leader in the fight to improve access to biomarker testing which can improve survival and quality of life by connecting patients to the most beneficial treatment for their disease. We look forward to seeing this critical legislation move forward.

Sincerely,



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CC:

Carl Heastie, Speaker, New York State Assembly
Crystal Peoples, Majority Leader, New York State Assembly
Andrea Stewart-Cousins, Temporary President and Majority Leader, New York State Senate
Michael Gianaris, Deputy Majority Leader, New York State Senate
Neil Breslin, Chairperson, Senate Insurance Committee
David Weprin, Chairperson, Assembly Insurance Committee