
HOUSE BILL 1689

State of Washington

67th Legislature

2022 Regular Session

By Representatives Walen, Harris, Leavitt, Graham, Duerr, Davis, Slatter, and Tharinger

Prefiled 12/22/21. Read first time 01/10/22. Referred to Committee on Health Care & Wellness.

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 biomarker testing prior authorization
9 requirements for either of the following:

10 (a) Stage 1, 2, 3, or 4 cancer; or

11 (b) Cancer progression or recurrence in the enrollee with stage
12 1, 2, 3, or 4 cancer.

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

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

1 (a) Recommended in the latest version of nationally recognized
2 guidelines or biomarker compendia, such as those published by the
3 national comprehensive cancer network;
4 (b) Approved by the United States food and drug administration or
5 a validated clinical laboratory test performed in a clinical
6 laboratory certified under the clinical laboratory improvement
7 amendments or in an alternative laboratory program approved by the
8 centers for medicare and medicaid services;
9 (c) A covered service; and
10 (d) Prescribed by an in-network provider.
11 (4) This section does not limit, prohibit, or modify an
12 enrollee's rights to biomarker testing as part of an approved
13 clinical trial under chapter 69.77 RCW.
14 (5) Nothing in this section may be construed to mandate coverage
15 of a health care service.
16 (6) This section does not limit an enrollee's rights to access
17 individual gene tests.
18 (7) If individual biomarker tests are included as part of larger
19 testing panels, nothing in this section prohibits a health plan from
20 requiring prior authorization for any tests included in the panel
21 that are in addition to the biomarker tests outlined in subsection
22 (3) of this section.

--- END ---