

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 154  
3 entitled “An act relating to health insurance coverage for biomarker testing”  
4 respectfully reports that it has considered the same and recommends that the  
5 House propose to the Senate that the bill be amended by striking out all after  
6 the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. HEALTH INSURANCE AND MEDICAID COVERAGE FOR  
8 BIOMARKER TESTING; DEPARTMENT OF FINANCIAL  
9 REGULATION; AGENCY OF HUMAN SERVICES; REPORTS

10 (a) As used in this section:

11 (1) “Biomarker” means a characteristic that is objectively measured and  
12 evaluated as an indicator of normal biological processes, pathogenic processes,  
13 or pharmacologic responses to a specific therapeutic intervention, including  
14 known gene-drug interactions for medications being considered for use or  
15 already being administered. Biomarkers include gene mutations,  
16 characteristics of genes, and protein expression.

17 (2) “Biomarker testing” means the analysis of a patient’s tissue, blood,  
18 or other biospecimen for the presence of a biomarker. Biomarker testing  
19 includes single-analyte tests; multiplex panel tests; protein expression analysis;  
20 and whole exome, whole genome, and whole transcriptome sequencing.

1           ~~(3) “Consensus statements” means statements developed by an~~  
2           ~~independent, multidisciplinary panel of experts utilizing a transparent~~  
3           ~~methodology and reporting structure and with a conflict of interest policy.~~  
4           ~~These statements are aimed at specific clinical circumstances and the~~  
5           ~~statements are based on the best available evidence for the purpose of~~  
6           ~~optimizing the outcomes of clinical care.~~

7           ~~(4) “Nationally recognized clinical practice guidelines” means evidence-~~  
8           ~~based clinical practice guidelines developed by independent organizations or~~  
9           ~~medical professional societies utilizing a transparent methodology and~~  
10           ~~reporting structure and with a conflict of interest policy. Clinical practice~~  
11           ~~guidelines establish standards of care informed by a systematic review of~~  
12           ~~evidence and an assessment of the benefits and risks of alternative care options~~  
13           ~~and include recommendations intended to optimize patient care.~~

14           (b) The Department of Financial Regulation and Agency of Human  
15           Services shall analyze the costs associated with requiring health insurance  
16           coverage and Medicaid coverage, respectively, for biomarker testing for the  
17           purposes of diagnosis, treatment, appropriate management, and ongoing  
18           monitoring of a patient’s disease or condition when the test is supported by  
19           medical and scientific evidence, including:

20           ~~(1) labeled indications for a test approved or cleared by the U.S. Food~~  
21           ~~and Drug Administration (FDA);~~

- 1 ~~(2) indicated tests for an FDA-approved drug;~~
- 2 ~~(3) warnings and precautions on FDA-approved drug labels;~~
- 3 ~~(4) Centers for Medicare and Medicaid Services national coverage~~
- 4 ~~determinations or Medicare Administrative Contractor local coverage~~
- 5 ~~determinations; or~~
- 6 ~~(5) nationally recognized clinical practice guidelines and consensus~~
- 7 ~~statements.~~

8 (c)(1) On or before January 15, 2027, the Department of Financial  
9 Regulation shall report to the House Committee on Health Care and the Senate  
10 Committees on Health and Welfare and on Finance on the estimated amount  
11 that health insurance premiums would increase if Vermont were to enact  
12 legislation requiring health insurance coverage of biomarker testing as set forth  
13 in subsection (b) of this section, including the amounts of the State’s financial  
14 obligations for defrayal of premium increases for qualified health benefit plans  
15 pursuant to 45 C.F.R. § 155.170 and for premium increases in the State  
16 Employees’ Health Benefit Plan.

17 (2) On or before January 15, 2027, the Agency of Human Services shall  
18 report to the House Committee on Health Care and the Senate Committee on  
19 Health and Welfare regarding the approvals that would be needed from the  
20 Centers for Medicare and Medicaid **Services** in order for Vermont Medicaid to  
21 cover biomarker testing as set forth in subsection (b) of this section and the

1 costs to the Medicaid program if Vermont were to enact legislation requiring  
2 that coverage.

3 **Sec. 2. DEPARTMENT OF FINANCIAL REGULATION;**

4 **APPROPRIATION**

5 **The sum of \$10,000.00 is appropriated from the General Fund to the**  
6 **Department of Financial Regulation in fiscal year 2027 for the analysis of**  
7 **the cost of health insurance coverage for biomarker testing in accordance**  
8 **with Sec. 1 of this act.**

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on ~~passage~~ **July 1, 2026.**

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17 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE