



September 30, 2024

Dear members of the Colorado General Assembly,

On behalf of all the undersigned organizations, we write to you today to request your support for legislation to ensure more Colorado Medicaid enrollees can benefit from biomarker testing – the key to unlocking personalized treatments including targeted therapies. We are grateful for this body's support of SB24-124 last session, which achieved this goal for commercial insurance plans. Now we need to level the playing field in our state and increase access to this crucial testing for Coloradans covered by Health First Colorado.

This legislation would improve access to biomarker testing for Coloradans with cancer and other serious diseases covered by Health First Colorado by requiring Health First Colorado to cover biomarker testing when supported by scientific and medical evidence.

Biomarker testing opens the door to precision medicine, which allows individuals suffering from cancer and other illnesses to be matched with the right treatment at the right time. Treatment with targeted therapy often requires diagnostic testing, known as biomarker testing, to analyze a patient's biological samples (e.g., blood, tumor tissue) to identify and evaluate specific markers like genes or proteins. Research shows that in cancer treatment, targeted therapy can improve patient survival and quality of life. When doctors connect patients to the most effective treatment for their illness, patients can avoid treatments that will be ineffective or have more adverse side effects. Biomarker testing can also be used to identify the likeliness of disease recurrence or progression, predict a drug's efficacy or likelihood of toxicity, and identify signs of disease recurrence before it is visible on imaging.

While most current applications are in cancer, biomarker testing is increasingly important to the treatment of other diseases including arthritis, other autoimmune conditions, and rare diseases. There is research happening in many other areas including ALS, Alzheimer's, Parkinson's and other neurological conditions, cardiology and more.

Unfortunately, not all communities are benefitting from the latest advancements in biomarker testing and precision medicine. Communities that have been marginalized including rural residents, communities of color and individuals with lower socioeconomic status are less likely to receive biomarker testing. In addition, those receiving care in nonacademic medical centers are less likely to benefit from biomarker testing.

Colorado made a significant step in the right direction last session by passing SB24-124, which requires private state-regulated insurers to cover biomarker testing supported by scientific and medical evidence. However, the same requirements were not included for Health First Colorado in the legislation. This is concerning given the implications this inequity could have on existing disparities in outcomes. In a recent study of Medicaid enrollees with advanced non-small cell lung cancer (NSCLC), **those who did not receive biomarker testing had a 27% higher risk of death** than those who were tested.ⁱ A 2022 analysis found that Medicaid enrollees are less likely to get tested or treated with targeted therapy and have worse survival, and this is likely true in Colorado where **targeted therapy utilization is substantially lower than expected** for Medicaid enrollees.ⁱⁱ Ultimately, insurance coverage for biomarker testing is failing to keep pace with innovations and advancements in treatment.

Colorado has an opportunity to lead the nation in emerging best practices. Similar legislation has passed in 19 other states and is being considered in many more around the country. In addition to improving the quality of life and outcomes for countless Coloradans, biomarker testing has the potential to save individuals and the state financially through bypassing ineffective treatments. This legislation will help remove barriers to biomarker testing to ensure that more patients can unlock the value and cost-savings potential of precision medicine.

ACS CAN and the undersigned organizations ask for your support as legislation is considered in the Colorado General Assembly to level the playing field for residents covered by Health First Colorado. We encourage you to join us in support of ensuring enrollees in Health First Colorado have equitable access to biomarker testing. If you have questions or wish to discuss this further, please do not hesitate to contact R.J. Ours, CO Government Relations Director with the American Cancer Society Cancer Action Network at RJ.Ours@cancer.org or 303.748.7357.

Sincerely,

AiArthritis
ALS Association
American Cancer Society Cancer Action Network
American Association of Clinical Urologists
Arthritis Foundation
Biomarker Collaborative
CancerCare
Cancer Support Community/Gilda's Club
CLL Society
Coalition of State Rheumatology Organizations
End Preeclampsia
Exon20 Group
Fight Colorectal Cancer
Global Colon Cancer Association
Global Liver Institute
Go2 for Lung Cancer

ICAN - International Cancer Advocacy Network
KRAS Kickers
Lung Cancer Research Foundation
LUNgevity Foundation
Lupus and Allied Diseases Association, Inc.
MET Crusaders
Michael J. Fox Foundation
National Organization for Rare Diseases
Oncology Nursing Society
One Cancer Place
Patient Empowerment Network
Patients Rising
PD-L1 Amplifieds
Triage Cancer
VHL Alliance
Zero Prostate Cancer

ⁱ Gross CP, Meyer CS, Ogale S, Kent M, Wong WB. Associations Between Medicaid Insurance, Biomarker Testing, and Outcomes in Patients With Advanced NSCLC. *J Natl Compr Canc Netw*. 2022;20(5):479-487.e2. doi:10.6004/jnccn.2021.7083

ⁱⁱ Roberts TJ, Kesselheim AS, Avorn J. Variation in Use of Lung Cancer Targeted Therapies Across State Medicaid Programs, 2020-2021. *JAMA Netw Open*. 2023;6(1):e2252562. Published 2023 Jan 3. doi:10.1001/jamanetworkopen.2022.52562