

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Insurance

For HB 3188

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Hearing Date: April 18, 2023 8:00 AM

Carla Prothro

American Cancer Society Cancer Action Network
North Richland Hills, TX

I am asking for your support on this bill because all Texans deserve the same chance at survival that I was given. I am a 5 year lung cancer survivor and had access to biomarker testing at the time of my diagnosis. This testing showed my medical team that I had two different mutations in my cancers and allowed them to target a specific plan for me. After chemo and immunotherapy I had surgery remove the cancers in both lungs and am disease free today. When the tests are indicated, every patient deserves access to this testing to give them hope and a chance to survive. Thanks for your support on this bill and I appreciate that you make our concerns your concerns. Carla Prothro Constituent North Richland Hills. ACS/CAN Volunteer and Lung Cancer Survivor because of Biomarker testing

Alexia Bucy

Self

Canton, TX

Biomarker testing is very beneficial to patients

Suzanne Lindley

Self/Say YES to Hope/ACS

Canton, TX

As a Stage 4 colorectal cancer patients and an advocate for other advanced cancer patients, I am painfully aware of the unmet needs surrounding biomarker testing. It is imperative for treatment planning and in determining next steps and efficacy of treatment. Please make this priority. Equality and diversity should be at the fore of this issue. All patients should have access to biomarker testing!

Dale Eastman

Alamo Breast Cancer Foundation

Houston, TX

It is Biomarker Testing is critical for getting the correct treatment. Biomarker testing enabled me to get the correct treatment for my metastatic breast cancer. I am now in my third year of survival because of the treatment. Access to appropriate biomarker testing will achieve better health outcomes, improved quality of life and reduced costs. Thank you for introducing this HB 3188.

Steven Lange
self, sales and marketing
Dallas, TX

Please support and approve/advance this bill. Lives will be saved and lives will be pro-longed in a cost-effective way if biomarker testing is more widely available via expanded healthcare insurance coverage. This is a needed standard of care. Biomarker testing pairs with new cancer treatment advancements. Many of these advancements in cancer treatment occur within the University of Texas, Baylor University and other academic research institutes in Texas, as well as bioscience companies in Texas. Not only does this greatly improve access to better cancer care and treatment, it has great potential to bolster the bioscience industry in Texas. We have CPRIT, it would be odd not to have biomarker testing for cancer in our state, and also for the other diseases it can help target therapies for. Thank you.

Ronnie Lindley
Self/Say YES to Hope/ACS
Canton, TX

Such an important and overlooked issue. My late mother would have had increased treatment options for her metastatic breast cancer. However, without this testing her options were limited. Access could have saved her life.

Nellie Waller
Self/Say YES to hope/acs
Ft. Worth, TX

Please make biomarker testing accessible.

Carla Trout
Say Yes to Hope
Fruitvale, TX

SAY YES TO HOPE

Rebecca Birch, Director, State Policy & Advocacy
Susan G. Komen
Dallas, TX

Mr. Chairman and Members of the Committee, thank you for the opportunity to provide testimony in support of HB 3188, which relates to coverage for biomarker testing. My name is Rebecca Birch, and I am Director of State Policy & Advocacy at Susan G. Komen®.

Komen is the world's leading nonprofit breast cancer organization representing the millions of people who have been diagnosed with breast cancer. Komen has an unmatched, comprehensive 360-degree approach to fighting this disease across all fronts—we advocate for patients, drive research breakthroughs, improve access to high quality care, offer direct patient support and empower people with trustworthy information. Komen is committed to supporting those affected by breast cancer today, while tirelessly searching for tomorrow's cures.

This legislation is an important step to ensuring breast cancer patients in Texas are able to benefit from the most effective treatments for their cancer. Improving timely access to comprehensive biomarker testing is critical, especially when it could mean the difference between a person's life and death. For these reasons, Susan G. Komen supports HB 3188. Thank you for your consideration.

Kenneth Fox
Say Yes to Hope
Dallas, TX

We need this for patients.

Brian Long
Self / architect
League city, TX
Highly needed

Aaron Allen, Ms
Say Yes to Hope
Barry, TX
Should be passed

William Werner
Say Yes to Hope
Kaufman, TX
Say Yes to Hope! Please pass

Katherine Brown
Say Yes to HOPE
Colleyville, TX

Biomarker testing is imperative for us cancer patients to be able to find targeted treatments for our cancer and in order for us to survive. Please support this

Jo Guthrie
Yes for Hope
Canton, TX

I am in support of this Bill. Many people need this. Please support much needed biomarker testing so that diversity and equity are provided to all cancer patients. This is a life saving initiative!

Denice Yvette Werner
Self
Kaufman, TX

This is such an important part of early detection for things that could not only save money on insurance payouts for expensive treatments that could have been avoided with early warning, but also save lives!

Karlie Jolin
Say YES to Hope
Tyler, TX

This is a life saving endeavor. Please make sure this passes.

Shirley LaVergne
Self, Say YES to
Leander, TX
I'm in support.

Patricia Sue Price

Say Yes for Hope

Wichita falls, TX

No comments

Luisa Leal, Fonder/CEO

The Akari Foundation

San Antonio, TX

biomarker testing has made all the difference for many Texas cancer, rare disease, and chronic illness patients. But not every patient in need has been able to access biomarker testing. We believe all patients who need biomarker testing should have access to it. Thus, I am asking House Committee Members to support HB 3188. HB 3188 will help expand access to this critical testing tool. HB 3188 can help save lives and money by making sure patients and their doctors understand the best appropriate care options through biomarker testing.

James Waller, CDO

Say Yes to Hope

Rockwall, TX

Please Pass this.

George Tockey

Self

Hudson Oaks, TX

Say YES to Hope Chair Bonnen's biomarkers bill (HB 3188)

Brianna Brade
Arthritis Foundation
Pflugerville, TX

Chairman Oliverson and Members of the House Committee on Insurance, thank you for the opportunity to submit testimony in support of HB 3188 which will broaden access to biomarker testing coverage.

My name is Brianna Brade and I live in Austin, Texas. I was diagnosed with Ankylosing Spondylitis in July of last year at the age of 23. I've had symptoms of this disease for many years but was first referred to a rheumatologist in May 2022. AS is an auto-inflammatory arthritis where the immune system attacks the spine and hips, spreading into peripheral joints as well. There is no cure for Ankylosing Spondylitis, I will endure bi-weekly injections and a multitude of daily medications for the remainder of my life. I started as a participant in the Walk to Cure Arthritis held last October in Austin with the Arthritis Foundation and now serve as a volunteer in various sectors. I run a local support group for adults with arthritis, along with a national group for my specific disease and I sit on multiple committees for Arthritis Foundation events.

I have had unusual back and hip pain since I was 15, always shrugged off as "growing pains" or injuries from sports I played frequently. When I awoke unable to get out of bed because of the stiffness and extreme pain in my lower back, I knew something was truly wrong. Low grade fevers, swollen fingers and toes, constant nausea and fatigue. My primary could find little wrong on standard tests and referred me to rheumatology due to family history. The rheumatologist took dozens of vials of blood in a months' time, running test after test as I waited. I flagged positive for HLA-B27, a protein found on the surface of white blood cells. An indicator of autoimmune diseases, especially Ankylosing Spondylitis, where 80% of people diagnosed are positive for this marker. This streamlined my diagnosis and treatment approval by my insurance company. That one test provided a key piece of information that many cannot afford; I was lucky enough to have most of the cost covered by my plan.

Biomarker testing is not only important but necessary. Without it, I may have had to wait many more months/years to receive diagnosis and approval for biologics. My biologics are the only medication that slow my progressive chronic disease, preventing my body from further degrading my joints. I have a lot of life left to live and the results of my biomarker testing are the reason it will be more enjoyable. With arthritis being the #1 cause of disability in the United States, biomarker testing could be a pathway to slowing the progression and allowing more adults to stay in the workforce.

Patients who cannot afford testing may be forced to forgo and ultimately experience additional health issues and healthcare costs. I respectfully request the committee support HB 3188 to ensure all states with chronic conditions access the care they need.

Madhumohan Katika, Dr
VCare America
Coppell, TX

Health benefit plan should cover biomarker testing for cancer

Adam Roberts

Self - Real estate investor

Fort Worth, TX

Hi - I am a stage 4 cancer survivor, below is an excerpt of my story, along with my reasoning why biomarker testing should be part of a well-rounded health insurance plan.

In April 2021, Adam was a 36-year-old man who was in good health and fit. Seemingly, almost overnight he started experiencing a number of unusual symptoms for him, things like constipation and blood in his stool. He tried to handle the symptoms himself with more hydration, more exercise, more fiber – things that most people would do. That got him nowhere, so he decided to seek medical attention. He was insured and was able to find a GI doctor who was willing to perform a colonoscopy, but because of his age, he was going to have to wait his turn to actually undergo the procedure. That would likely make it September, but he told the scheduler he was in too much pain and discomfort, so he needed it to be sooner. He was then scheduled for July. When the procedure was complete, they had found a 7-centimeter tumor at the junction of his sigmoid colon and rectum. It had broken through the colon wall and involved lymph nodes, as well. He was diagnosed with Stage 3 colorectal cancer.

He was in total shock with his diagnosis. He says, “This was an emotion I had never experienced before in my life.” That shock soon turned to how to manage the disease and they went into reconnaissance mode. Every step, the question became what is the next step. “Life throws us all kinds of curve balls. This just happened to be one of them.” Adam and his wife were also expecting their first child, who would be born two weeks after his diagnosis.

A week after the birth of their daughter, Riley, Adam had surgery to remove 12 inches of his large intestine, along with 30 lymph nodes. He would later be diagnosed with stage 4 colon cancer, as they found additional cancerous tumors on his liver.

At his first follow-up appointment, he was introduced to biomarker testing. He received a very high-level explanation of biomarker testing and how it would allow them to use his tumor DNA to routinely compare future blood samples with the first sample. Blood draws are made every three months and sent to the lab for analysis. Adam has been disease free since October of 2021, and he continues to utilize biomarker testing to give him and his family peace of mind as it concerns his health.

For me, my signatera MRD biomarking testing is a dashboard for my health. I have made several significant lifestyle changes, although I have always been healthy. As I continue to receive good test results, it motivates me to live a healthier lifestyle. Furthermore, should I receive a bad test result, getting this notification early will save my insurance company potentially hundreds of thousands of dollars, as the treatment options will be much less invasive with early notification. Please consider this bill seriously, as everyday citizens lives depend on it.

Thank you for your consideration,

Adam Roberts

Cristy Ecton

Be The Match (National Marrow Donor Program)

Dallas, TX

April 17, 2023

Dear Honorable Chair Bonnen and distinguished members of the House Insurance Committee:

As a volunteer for National Marrow Donor Program® (NMDP)/ Be The Match®, I write to you today in support of HB 3188, which would help more Texans access biomarker testing so that they can get the right treatment at the right time for their cancer.

NMDP operates the federally authorized bone marrow program that matches living unrelated adult donors with patients in need of a life-saving transplant. Our top priority is getting our patients, who suffer from blood cancers and disorders and chronic disease, the treatment they need. Biomarker testing is one tool physicians can use to determine the best treatment for their patients.

Biomarker testing is the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker which helps doctors ensure that they are getting patients the most effective treatment for their diagnosis—but not everyone is benefiting from the latest advancements in cancer treatment (due in part to lack of insurance coverage). HB 3188 helps ensure that all Texans have access to the benefits of biomarker testing:

- 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 patients. Ensuring access to that testing increases the likelihood that a patient gets the right treatment at the right time, as well as relieving the stress of having to pay out of pocket for a test they need.
- Additionally, many clinical trials require biomarker testing to identify eligible participants, which gives patients access to new and innovative life-saving treatments. Biomarker testing is also used to identify the best treatment for graft-versus-host disease (GvHD) a debilitating and potentially deadly side effect of a bone marrow transplant, in which the donor immune cells attack the patient's healthy cells.

HB 3188 aligns coverage of biomarker testing with the latest science, providing a gateway to targeted therapies that can lead to better health outcomes and improved quality of life. Greater access to biomarker testing can allow Texans to bypass costly and ineffective treatments by connecting patients with therapies that will be most effective for their individual disease right away. Please support HB 3188 to increase access to biomarker testing for Texans who could benefit.

Sincerely,

Cristy Ecton

Volunteer Courier, Be The Match

Pediatric Hematology/Oncology Public Relations Professional

Kathy Baker

Self - 2-time cancer survivor

Grand Saline, TX

I am a 2-time cancer survivor. I am alive today because of the excellent care provided by my surgeons and oncologist, and because they were able to follow the guidelines created by the expert scientists and physicians that were experts in treating breast and ovarian cancers. Had my oncologist not been able to follow guidelines, I would have died many years ago. Instead, I have been cancer-free for 13 years.

Biomarker testing was not available when my mother and grandfather died of cancer. My mother died of non small cell lung cancer, the treatment of which cancer which today greatly benefits from performing biomarker testing to learn the best treatment plan. Oh, how I wish it had been available for her!

A friend of mine also had non small cell lung cancer, and was diagnosed about 6 years ago. He had never smoked, was 29 years old, in excellent health (he was a professional baseball player), and was shocked by his diagnosis. He knew his outlook was bleak—and assumed he would be put on chemotherapy to combat the disease. Instead, his oncologist decided to try biomarker testing before starting him on chemo. It was a relatively new test, but his doctor was able to get approval through my friend's insurance provider, and the biomarker testing showing he had an ALK-positive gene rearrangement that would benefit most from an immunotherapy treatment taken by pill rather by chemotherapy. It's been 6 years, and he is still here, has married and had a child, and continues to take a pill while enjoying life and thriving in spite of cancer. All because of biomarker testing.

I am very concerned that if my children or grandchildren were to be diagnosed with cancer, an insurance company could deny the biomarker testing ordered by their doctors in accordance with testing guidelines. It's not always needed or ordered. But when it is needed in order to learn the best treatment plan, it MUST be available. Insurance companies should not be able to make arbitrary decisions on patient testing. They are not the experts.

Thank you for taking time to consider my comments.

Beth Emery

Alamo Breast Cancer Foundation

The Woodlands, TX

ABCF and our many patient advocate members support this bill. Access to appropriate biomarker testing can help to achieve better health outcomes, improved quality of life, and reduced costs. Insurance coverage for biomarker testing is failing to keep pace with innovation and advancement in treatment.

Mark Powell, Area Sales Director, SirTeX Medical

SirTex Medical

Keller, TX

I support this bill as it is greatly benefit patients

Charlie Gagen

American Lung Association

Austin, TX

The American Lung Association strongly supports this bill and urges swift action.

Runi Limary

Self

Austin, TX

Hi Good morning! Thank you for having me here today. I'm Runi Limary. I was diagnosed almost 16 years ago with early stage invasive breast cancer and I was just 28 years old. I was young and healthy, so it came as a complete shock. The entire process was completely overwhelming. When you hear, "You have cancer," you can't help but automatically think of death and dying. I was fortunate enough that I had a phenomenal and caring medical team that gave me the best care that I was able to receive. My pathology report showed that I needed chemotherapy. It also showed that I was Estrogen Receptor/Progesterone Receptor Positive and HER2 or Human Epidermal growth factor Receptor 2-positive. HER2 tumors tend to grow more aggressively but I was able to get a year of targeted therapy. I feel fortunate since that medication was still in clinical trial just a few years before I was diagnosed. Many thanks to those that participated in the clinical trials so I was able to benefit from it. Since I have completed treatment, there are now several other targeted therapies available for those that are HER2+. Now hearing that you have HER2+ breast cancer isn't an automatic death sentence anymore. It actually gives patients hope as there are more options because we have targeted therapies for it. Since I was also ER+, that's Estrogen Receptor positive, I also benefited from oral medication. The medication is still the gold standard for women who have ER+ breast cancer. Again, I am thankful I had that option. Even though there isn't a cure for breast cancer, we've come a long way in keeping people alive longer and an increase in their overall quality of life. Some patients may qualify for chemotherapy that can be taken as a pill and not just through IV. Radiation can be given internally as well as externally. Some people may even qualify for proton beam radiation therapy that targets just the cancer itself. Some radiation treatments can be completed in a shorter amount of time, which helps those that cannot find transportation to get to treatment.

Cancer treatment is very expensive, even with good insurance. I am grateful that my insurance covered the cost of the testing and treatment, even if I did have a high deductible and copays. At the time I was diagnosed, I was young, single and made just enough to get by month by month and I was put on every imaginable payment plans. I can't fathom what would have happened and what difficult choices I would have made, if my insurance didn't cover everything. People should not have to choose between getting quality care and going bankrupt or putting food on the table. When it comes to cancer, it can be life or death. I'm 15 years out and I love celebrating my birthdays. My life is a gift and it is precious. And unfortunately, in the last 15 years, I've seen too many people that I care about die from this horrible disease. Many who may still be alive, if they received the full biomarker testing.

Chad Boone

self

Fort Worth, TX

Biomarker testing is a basic qualifier for health and treatment. It should be covered by health insurance. It is in the enrollees best interest and the insurance provider's best interest to have relevant data to help understand risks that can impact treatment strategies.

Adam Riggs

Say YES to Hope

Houston, TX

This bill is critical to the health, well being and support of our general public. It provides key bio marker testing to be covered to allow for quicker diagnosis and thus preventive treatment. A core component of the values of the government is to protect and serve, and this is exactly what this bill provides.