

Amendment to SB 606-FN

1 Amend RSA 420-J:28 as inserted by section 1 of the bill by replacing it with the following:

2

3 420-J:28 Biomarker Testing; State Medicaid Plan Coverage Requirements.

4 I. Biomarker testing shall be covered by the New Hampshire Medicaid program for
5 beneficiaries when the biomarker test is determined as medically necessary by the New Hampshire
6 Medicaid program for the purposes of diagnosis, treatment, appropriate management, or ongoing
7 monitoring of an enrollee's disease or condition when the test provides clinical utility and is
8 demonstrated by the following medical and scientific evidence, including but not limited to any of the
9 following:

- 10 (a) Labeled indications for an FDA-approved or -cleared test;
- 11 (b) Indicated tests for an FDA-approved drug;
- 12 (c) Warnings and precautions on FDA-approved drug labels;
- 13 (d) Centers for Medicare and Medicaid Services (CMS) National Coverage
14 Determinations or Medicare Administrative Contractor (MAC) Local Coverage Determinations; or
- 15 (e) Nationally recognized clinical practice guidelines and consensus statements.

16 II. If utilization review, including but not limited to prior authorization, is required, the
17 utilization review entity, or any third party acting on behalf of the New Hampshire Medicaid
18 program shall approve or deny a prior authorization request and notify the beneficiary, and the
19 ordering health care provider.

20

21 Amend the bill by replacing all after section 1 with the following:

22

23 2 New Section; Medicaid Coverage of Biomarker Testing. Amend RSA 167 by inserting after
24 section 4-f the following new section:

25 167:4-g Biomarker Testing; Medicaid Coverage Requirements.

26 I. The state Medicaid plan shall cover biomarker testing, as defined in RSA 420-J:27, II, in
27 accordance with the requirements of this section when the biomarker test is determined as medically
28 necessary by the New Hampshire Medicaid program for the beneficiary.

29 II. Biomarker testing shall be covered for the purposes of diagnosis, treatment, appropriate
30 management, or ongoing monitoring of the beneficiary's disease or condition when the department of
31 health and human services determines that the test provides clinical utility, as defined in RSA 420-
32 J:27, III and is demonstrated by the following medical and scientific evidence and determined as

Amendment to SB 606-FN
- Page 2 -

1 medically necessary by the New Hampshire Medicaid program, including but not limited to any of
2 the following:

- 3 (a) Labeled indications for an FDA-approved or -cleared test;
- 4 (b) Indicated tests for an FDA-approved drug;
- 5 (c) Warnings and precautions on FDA-approved drug labels;
- 6 (d) Centers for Medicare and Medicaid Services (CMS) National Coverage
7 Determinations or Medicare Administrative Contractor (MAC) Local Coverage Determinations; or
- 8 (e) Nationally recognized clinical practice guidelines and consensus statements.

9 III. Risk-bearing entities contracted under the state Medicaid plan to deliver services to
10 beneficiaries shall provide biomarker testing at the same scope, duration and frequency as the
11 Medicaid program otherwise provides to enrollees.

12 IV. The state Medicaid plan shall ensure coverage, as outlined in paragraph II, is provided
13 in a manner that limits disruptions in care including the need for multiple biopsies or biospecimen
14 samples.

15 V. If utilization review, including but not limited to prior authorization, is required, the
16 state Medicaid plan, utilization review entity, or any third party acting on behalf of an organization
17 or entity subject to this section shall approve or deny a prior authorization request and notify the
18 enrollee, the enrollee's health care provider, and any entity requesting authorization of the service
19 within 14 days for non-urgent requests or within 72 hours for urgent requests.

20 VI. The enrollee and participating provider shall have access to a clear, readily accessible,
21 and convenient process to request an exception to a coverage policy of the state Medicaid plan or by
22 risk-bearing entities contracted to the program. The process shall be made readily accessible to all
23 participating providers and enrollees online.

24 VII. The department of health and human services shall submit to the Centers for Medicare
25 and Medicaid Services any amendment to the state Medicaid plan required to provide coverage for
26 biomarker testing in accordance with this section.

27 VIII. The provisions of this section shall only take effect provided that there is sufficient
28 funding included in the operating budget for the biennium ending June 30, 2029.

29 3 Effective Date. This act shall take effect July 1, 2027.

Amendment to SB 606-FN
- Page 3 -

2026-0689s

AMENDED ANALYSIS

This bill requires the New Hampshire Medicaid program to provide coverage for biomarker testing under certain circumstances.