

November 14, 2025

Colorado Division of Insurance
1560 Broadway, Suite 850
Denver, CO 80202

RE: Comments on DRAFT Proposed New Bulletin B-4.1XX Concerning Coverage of Biomarker Tests in Health Benefit Plans

To Whom It May Concern:

The American Cancer Society Cancer Action Network (ACS CAN) and our partners appreciate the opportunity to comment on the [DRAFT Proposed New Bulletin B-4.1XX Concerning Coverage of Biomarker Tests in Health Benefit Plans](#). Our organizations are working to improve access to comprehensive biomarker testing so that patients can benefit from the most effective treatments for their disease. Data shows that patients receiving targeted treatments, also known as precision medicine, experience better health outcomes, yet patient access to this type of testing has not kept pace with the rate of innovation due to a variety of factors, including lack of coverage or overly restrictive coverage policies by both public and private payers.

We appreciate the work being done by the Colorado Division of Insurance to implement the coverage of biomarker testing required under the statute according to CO SB 24-124 that was signed into law last year, including the most recent Draft Proposed New Bulletin. We are supportive of the DOI's position that the biomarker testing required by SB 24-124 for individual and small group health benefit plans would not trigger defrayal.

In order to follow the legislative intent that testing be covered when it meets the evidence standards listed, we recommend revising the medical necessity language to "is medically necessary *as determined by the medical and scientific evidence defined in the statute*". This legislation was written to ensure that testing is covered when these criteria are met for the patient and the testing is being performed for one of the specified purposes (diagnosis, treatment, appropriate management and ongoing monitoring). This change will help clarify that insurers should not create additional medical necessity criteria that exceed what is written in the statute.

We remain committed to working with you on the implementation of CO 24-124 as passed. If you have any questions or would like to discuss further, please contact RJ Ours, Colorado Government Relations Director for ACS CAN at RJ.Ours@cancer.org.

Sincerely,

AiArthritis: International Foundation for
Autoimmune & Autoinflammatory Arthritis
ALS Association
American Association of Clinical Urologists (AACU)
American Cancer Society Cancer Action Network
(ACS CAN)
American Kidney Fund
American Parkinson's Disease Association

American Society of Pharmacovigilance
Arthritis Foundation
Autoimmune Association
Biomarker Collaborative
Cactus Cancer Society
CancerCare
Cancer Support Community
Cervivor, Inc

Coalition of State Rheumatology Organizations
(CSRO)
Colon Cancer Coalition
Color of Gastrointestinal Illnesses
Crohn's & Colitis Foundation
Debbie's Dream Foundation: Curing Stomach
Cancer
EndPreeclampsia.org
Exon 20 Group
Fight Colorectal Cancer
FORCE: Facing Our Risk of Cancer Empowered
GI Cancers Alliance, Inc
Global Coalition on Aging
Global Colon Cancer Association
Global Liver Institute
GO2 for Lung Cancer
Head and Neck Cancer Alliance
HEAL Collaborative
Honor the Gift
ICAN, International Cancer Advocacy Network

Infusion Access Foundation (IAF)
KRAS Kickers
Lung Cancer Research Foundation
LUNGeivity Foundation
Lupus and Allied Diseases Association, Inc.
MET Crusaders
The Michael J. Fox Foundation
National Ovarian Cancer Coalition
Oncology Nursing Society
One Cancer Place
Ovarian Cancer Research Alliance
Patient Empowerment Network
Patients Rising
PDL1 Amplifieds
The Raymond Foundation, Inc
Sharsheret
Stupid Cancer
Triage Cancer
VHL Alliance
ZERO Prostate Cancer