

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

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Requirements for Biomarker Testing Coverage in Policies of Health Insurance

The Division of Insurance has received complaints from healthcare providers indicating health carriers are denying coverage for biomarker testing contrary to the requirements of the law. The purpose of this Bulletin is to explain and promote uniformity in the application of coverage requirements under **NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703**, related to biomarker testing.

Subject to limitations, an insurer that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management, and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. As of October 1, 2023, the law incorporates these requirements into policies of health insurance subject to these terms regardless of whether the policy explicitly includes this language. If an insurer requires an insured to obtain prior authorization for a biomarker test, the insurer shall respond to a request for such prior authorization:

- Within 24 hours after receiving an urgent request; or
- Within 72 hours after receiving any other request.

Health carriers may deny coverage for biomarker testing only for the following reasons:

- (a) For screening purposes;
- (b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;
- (c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer; or
- (d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience.

The Division of Insurance will monitor this issue to ensure consumers are receiving the medically necessary testing as required by law.



NED GAINES
Commissioner of Insurance