

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 965

**PRINTER NO.** 1215

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

November 9, 2023

**PRIME SPONSOR**

Senator Culver

**DESCRIPTION**

Senate Bill 965 amends the Human Services Code to provide Medical Assistance coverage for rapid whole genome sequencing for critically ill infants.

The bill requires the Department of Human Services (department), subject to CMS approval, to include coverage of rapid whole genome sequencing for medical assistance beneficiaries if the beneficiary:

- Is under one year of age;
- Has a complex or acute illness of unknown etiology that is not confirmed to be caused by an environmental exposure, toxic ingestion, infection with normal response to therapy or trauma; and
- Is receiving hospital services in an intensive care unit or other high acuity care unit within a hospital.

The bill provides that the coverage authorized under this section may be subject to applicable evidence-based medical necessity criteria based on the following:

- The beneficiary’s symptoms suggest a broad differential diagnosis that would require an evaluation by multiple genetic tests if rapid whole genome sequencing is not performed;
- The timely identification of a molecular diagnosis is necessary to guide clinical decision making; and
- The beneficiary has a complex or acute illness of unknown etiology.

The bill directs the department to make payment for the testing as a fee-for-service reimbursement for medical assistance beneficiaries enrolled in the HealthChoices managed care and fee-for-service programs, if the beneficiaries meet the eligibility criteria.

Senate Bill 965 provides that genetic data generated as a result of performing rapid whole genome sequencing shall have a primary use of assisting the ordering health care professional and treating care team to diagnose and treat the beneficiary and shall be subject to HIPPA and related regulations. This data is also authorized to be used in scientific research if such use is expressly given by the beneficiary’s legal guardian.

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This act shall take effect immediately.

## **FISCAL IMPACT:**

Enactment of Senate Bill 965 will have no fiscal impact on Commonwealth funds. The Medical Assistance program currently covers rapid whole genome sequencing on a case-by-case basis.