

February 18, 2026

Ambetter Peach State Health Plan
1100 Circle 75 Pkwy Southeast
Atlanta, Georgia 30339

Attention: Clyde White President and CEO

Cc: The Honorable Brian Kemp, Governor of Georgia
Commissioner John King, Office of Insurance and Fire Safety
The Honorable Burt Jones, Lieutenant Governor of Georgia
Commissioner Dean Burke, MD, Department of Community Health
Stuart Portman, Executive Director, Georgia Medicaid
Louis Amis, Executive Director, State Employee Health Plan
Rep. Sharon Cooper (R)
Rep. Lee Hawkins (R)
Rep. Eddie Lumsden (R)
Rep. Teddy Reese (D)
Rep. Spencer Frye (D)
Sen. Kay Kirkpatrick (R)
Sen. Larry Walker III (R), President Pro Tempore
Sen. Jason Anivitarte (R), Majority Leader
Sen. Randy Robertson (R), Majority Whip
Sen. Shawn Still (R), Majority Caucus Chair
Sen. Clint Dixon (R), Majority Caucus Vice Chair
Sen. Harold V. Jones II (D), Minority Leader
Sen. Kim Jackson (D), Minority Whip
Rep. Jon G. Burns (R), Speaker of the House
Rep. Jan Jones (R), Speaker Pro Tempore
Rep. Chuck Efstrotation (R), Majority Leader
Rep. James Burchett (R), Majority Whip
Rep. Bruce Williamson (R), Majority Caucus Chair
Rep. Soo Hong (R), Majority Caucus Vice Chair
Rep. Carolyn Hugley (D), Minority Leader
Rep. Sam Park (D), Minority Whip
Members of the Georgia House of Representatives
Members of the Georgia Senate

Subject: Ensuring Payor Compliance with Georgia Biomarker Testing Coverage Law

We, the undersigned organizations representing patients, families, clinicians, and advocates across Georgia, are writing to express deep concern about ongoing insurer noncompliance with Georgia's biomarker testing coverage law (Georgia Code §33-24-59.33). Governor Brian Kemp signed HB 85 into law on May 2, 2023, making it effective July 1, 2023. This law was passed to 1.) ensure insurance coverage for biomarker tests used to diagnose, treat, appropriately manage, or monitor disease, 2.) to eliminate insurer variation and denials by setting clear, science-based coverage standards, and 3.) to address health inequities by making sure all covered patients can access these lifesaving tests.

Every day, patients and their doctors rely on timely, accurate testing to guide care in oncology, mental health, arthritis, among others. One example of biomarker testing is minimal residual disease (MRD) testing, which detects trace amounts of cancer DNA in the blood to reveal whether cancer is gone or is likely to return. This allows treatment to be more timely, precise, and effective. It can mean catching a relapse earlier, avoiding unnecessary or harmful treatments, or reassurance that a patient's therapy is working. These moments change lives, and they are exactly why this law was enacted. Yet despite the law's clear intent, too many people in Georgia are still being denied access to tests like these.

Requested Actions

We respectfully request that Ambetter Peach State Health Plan take the following steps without delay:

1. Ensure full compliance by payors with the coverage criteria of Georgia code §33-24-59.33 retroactive to its inception.
2. Remove unnecessary approval processes and administrative barriers that discourage providers from ordering these tests.
3. Update benefit policies and clearly communicate coverage information to providers, laboratories, and patients so that everyone knows which tests are covered and how to access them.
4. Work with the Office of the Commissioner of Insurance and Safety Fire to confirm compliance and publicly report on your progress.

The Issue: The Biomarker Law is Not Being Implemented as Intended

Georgia's biomarker testing coverage law was enacted to close a critical gap between science and access. By removing the barriers created by outdated or inconsistent coverage policies, the law ensures that patients can receive the critical information that biomarker tests can uniquely provide to guide their care. The law requires insurers to cover biomarker tests ordered by a licensed provider when those tests have demonstrated clinical utility, meaning they provide information that directly influences how a doctor cares for a patient.

The definition of clinical utility is clear and grounded in science. Under Georgia law, a test meets this threshold if 1) it has been approved or cleared by the FDA, or 2) received a national coverage determination made by the federal Centers for Medicare and Medicaid Services or a local coverage

determination made by a Medicare administrative contractor, or 3) is included in nationally recognized clinical guidelines.

While coverage is required if a biomarker test meets any of these criteria, in practice, across multiple insurers and lab benefit managers, coverage decisions continue to rely on internal medical policies that conflict with state law. Some plans apply their own definitions of medical necessity or introduce additional conditions that go beyond what the statute allows. These inconsistencies have left providers uncertain, patients waiting, and the law's promise unfulfilled.

Consequences of Noncompliance

Failure to align internal coverage policies with state law has real-world consequences. For example:

- Providers remain uncertain about which tests are covered and may avoid ordering them even when they are medically appropriate so they do not cause undue financial hardship on patients.
- Patients experience unnecessary delays in diagnosis, treatment, and recurrence monitoring.
- Disparities grow wider, with vulnerable populations less likely to benefit from innovations that are already part of standard care elsewhere.

Each delay or denial can mean a missed window for treatment, unnecessary toxicity, or lost trust in the healthcare system.

The Path Forward

We urge Ambetter Peach State Health Plan to act now to bring internal policies into full alignment with the law and to communicate those changes clearly to providers and patients. This is a moment to make clear that your organization is committed to the people and families it serves.

Insurance Commissioner John King understands how crucial coverage is to Georgians and issued Bulletin 25-EX-7 on December 31, 2025. The bulletin instructs health insurers to provide biomarker testing coverage when subject to any of the criteria outlined in the bulletin.

Our organizations stand ready to work with you and with state regulators to make this vision a reality. Every patient deserves care guided by science, not circumstance. Let's make sure the promise of this law becomes a reality in every clinic, for every family, across Georgia.

We look forward to receiving your commitment to and timeline for implementing full compliance with the law. We ask that you provide this information by email to Jennifer Wilson, Cullari Communications Global, jwilson@cullarigroup.com by March 6, 2026, so that we can inform our members accordingly. On behalf of Georgia patients, we thank you for your partnership and attention to this important matter.

Sincerely,

AiArthritis

Mark Hobracszk, JD, MPA
Director of Public Policy

Advocates for Responsible Care

Dorothy Leone-Glasser
Executive Director

ALS Association

Caroline Roberson
Managing Director, Advocacy

Alliance for Patient Access

Casey McPherson
Director of Clinician Advocacy

Arthritis Foundation

Melissa Horn
Director of State Legislative Affairs

Biomarker Collaborative

Marcia K. Horn
President and CEO

CancerCare

Kim Czubaruk
VP of Policy

Cancer Support Community

Daneen Sekoni
VP, Policy and Advocacy

Cervivor, Inc.

Lauren Lastauskas
Program Coordinator

City of Hope Atlanta

Ray Williams
VP, Government and Community Affairs

Coalition of State Rheumatology Organizations

Jessica Frasco
Vice President, Federal and State Drugs & Biologics Policy

Colorectal Cancer Alliance

Michael Sapienza
CEO

Crohn's & Colitis Foundation

Maggie Acuna
Associate Director, State Advocacy

Exon 20 Group

Marcia K. Horn
President and CEO

Gaucher Community Alliance

Aviva Rosenberg
CEO

Georgia AIDS Coalition

Cathalene Teahan
Founder and Executive Director

Georgia Association of Pathology (GAP)

Keith Stevens, MD
President

Georgia CORE

Lynn Durham
President and CEO

Georgia Life Sciences

Maria Thacker-Goethe
President and CEO

Georgia Mental Health Policy Partnership

Kim Jones
Director

Georgia Psychiatric Physicians Association

Ben Hunter
President

Georgia Rheumatology Society

Alyson Conley
Executive Director

Georgia Society of Clinical Oncology

Peter F. Lyle, Sr.
Executive Director

Georgia Society of Ophthalmology

Zach Balest
President

Georgia State Medical Association

Kimberly Williams, PhD
Executive Director

Health Students Taking Action Together (H-STAT)

Nicholas Wilson
President

HEAL Collaborative

Gabrielle King
Vice President

ICAN, International Cancer Advocacy Network

Marcia K. Horn
President and CEO

Living Beyond Breast Cancer

Jean Sachs
CEO

LUNgevity Foundation

Brandon Leonard
VP, Government Affairs

Lupus and Allied Diseases Association, Inc.

Kathleen Arntsen
President & CEO

Medical Association of Georgia

Jeremy Bonfini
Executive Director and CEO

MET Crusaders

Marcia K. Horn
President and CEO

MTS Sickle Cell Foundation

Mapillar Dahn-Flemister
Founder and CEO

National Alliance on Mental Illness (NAM) Georgia

Kim Jones
Executive Director

National Marrow Donor Program (NMDP)

Anne Simaytis
Sr. National Advocacy Manager

National Ovarian Cancer Coalition

Jennifer McClendon
Education & Missions Programs Senior Manager

Neuropathy Action Foundation

Dominick Spatafora
President

NRG1 Energizers

Marcia K. Horn
President and CEO

Obesity Action Coalition

Tracy Zvenyach
Director, Policy Strategy & Alliance

Oncology Nursing Society

Eleni Valanos
Director, Government Relations

PDL1 Amplifieds

Marcia K. Horn
President and CEO

RedMoon Project

Cory Lewis
Founder

Ruby A. Neeson Diabetes Awareness Foundation

Mutima Jackson-Anderson
Executive Director

Rx in Reach Georgia Coalition

Dorothy Leone-Glasser
Executive Director

Spondylitis Association of America

Richard Howard
Chief Mission Delivery Officer

Susan G. Komen

Amanda Conway
State Policy and Advocacy Manager

The Latino Cancer Institute

Ysabel Duron
Founder / Executive Director

The Mended Hearts, Inc.

Al Voss
CEO

Tigerlily Foundation

Lizzie Wittig
VP, HEAL Policy Center of Excellence

TOUCH, The Black Breast Cancer Alliance

Ricki Fairley
CEO and Co-Founder

Winship Cancer Institute of Emory University

Suresh S. Ramalingam, MD
Executive Director

Young Survival Coalition

Mary Ajango
Executive Director