Clinical Trials (for Nebraska Only)

Policy Number: CS018NE.T
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Related Policies
None

Application

This Medical Policy only applies to the State of Nebraska.

Coverage Rationale

Indications for Coverage

Routine Patient Costs associated with approved Clinical Trials are covered when the following criteria are met:

Approved Clinical Trial (Cancer or Life-Threatening Disease)

An "Approved Clinical Trial" is defined as:

- Phase I, Phase II, Phase III, or Phase IV clinical trial
- Being conducted in relation to the prevention, detection or treatment for cancer or other life-threatening disease or condition; **and**
- Meets the requirements under Criteria for Approved Clinical Trials

For purposes of this benefit, a "life-threatening disease or condition" is one from which the likelihood of death is probable unless the course of the disease or condition is interrupted.

Criteria for Approved Clinical Trials

The Clinical Trial must be described in **one** of the main bullets below.

- The study or investigation is approved or funded (which may include funding through in-kind contributions) by one or more of the following:
  - National Institutes of Health (NIH) [includes National Cancer Institute (NCI)]
  - Centers for Disease Control and Prevention (CDC)
  - Agency for Healthcare Research and Quality (AHRQ)
  - Centers for Medicare and Medicaid Services (CMS)
  - A cooperative group or center of any of the entities described above or the Department of Defense (DOD) or the Veterans Administration (VA)
  - A qualified non-governmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants
  - The Department of Veterans Affairs, the Department of Defense or the Department of Energy as long as the study or investigation has been reviewed and approved through a system of peer review that is determined by the Secretary of Health and Human Services to meet both of the following criteria:

    - Comparable to the system of peer review of studies and investigations used by the National Institutes of Health
    - Ensures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review

or

- The study or investigation is conducted under an investigational new drug application reviewed by the U.S. Food and Drug Administration; **or**
- The study or investigation is a drug trial that is exempt from having such an investigational new drug application

Additional Clinical Trials (Other Indications)

UnitedHealthcare's standard Clinical Trial benefit would also include coverage of the Routine Patient Costs when a member is participating in a:

- Phase I, Phase II or Phase III clinical trial
- Being conducted in relation to the detection or treatment of non-life threatening:
    - Cardiovascular disease (cardiac/stroke)
    - Surgical musculoskeletal disorders of the spine, hip and knees; **and/or**
    - Other Clinical Trials: Certain plans may allow Clinical Trials relating to other diseases or disorders which are not life-threatening
- Meets the requirements under Criteria for Approved Clinical Trials

Additional Requirements

- The clinical trial must have a written protocol that describes a scientifically sound study that has been approved by all relevant institutional review boards (IRBs) before participants are enrolled in the trial. We may, at any time, request documentation about the trial
- The subject or purpose of the trial must be the evaluation of an item or service that meets the definition of a Covered Health Care Service and is not otherwise excluded under the policy

Qualified Individual

A qualified individual must be:

- Covered under the health plan; **and**
- Eligible to participate in an approved clinical trial according to the trial protocol when the individual:
    - Was referred to the clinical trial by an in-network health care professional who has concluded that the individual's participation would be appropriate because the individual is eligible for the trial according to its protocol; **or**
    - Provides the plan with medical and scientific information that establishes that participation would be appropriate because the individual is eligible for the trial according to its protocol

Routine Patient Costs During Clinical Trials Include Covered Health Care Services

- For which benefits are typically provided absent a clinical trial
- Required solely for:
    - The provision of the Experimental or Investigational Service(s) or item (e.g., the infusion administration services to deliver an investigational drug); **and/or**
    - The clinically appropriate monitoring of the effects of the service or item (e.g., lab tests and imaging done at a frequency consistent with signs and symptoms and other standards of care for that diagnosis or treatment type); **and/or**
    - The prevention of complications
- Needed for reasonable and necessary care arising from the provision of Experimental or Investigational Service(s) or item

Network Plans

If one or more network providers are participating in a clinical trial, then UnitedHealthcare may require that the qualified individual participate in the clinical trial using a network provider, as long as the network provider will accept the qualifying individual as a participant in the trial. However, if an approved Clinical Trial is conducted outside of the Qualified Individual's state of residence, then UnitedHealthcare may not deny or otherwise limit payment for Routine Patient Services solely on the basis that the trial is conducted out-of-state.

Coverage Limitations and Exclusions

Benefits for Clinical Trials do not include:

- The Experimental or Investigational Service(s) or item that is used in the clinical trial is not covered, except for the following:
  - Certain Category B Devices. Only certain FDA-designated Category B Devices are covered. In order to be covered, all of the following criteria must be met:
    - The device must be used within the context of an FDA-approved clinical trial
    - The device must be used according to the clinical trial's approved protocols
    - Must fall under a covered benefit category and must not be excluded by law, regulation or current Medicare coverage guidelines
    - The device is medically necessary for the member, and the amount, duration, and frequency of use or application of the service is medically appropriate
    - The device is furnished in a setting appropriate to the member's medical needs and condition
  - Certain promising interventions for members with terminal illnesses
  - Other items and services that, in our determination, meet specified criteria in accordance with our medical and drug policies
- Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the member. Examples include, but are not limited to:
  - Laboratory tests and imaging studies done at a frequency dictated by the study protocol and not consistent with signs and symptoms and other standards of care for that diagnosis or treatment type
- A service that is clearly inconsistent with widely accepted and established standards of care for a particular diagnosis
- Items and services provided by the research sponsors free of charge for any person enrolled in the trial
- Travel and transportation expenses are excluded from coverage. These include, but are not limited to:
  - Fees for all types of transportation. Examples include, but are not limited to: personal vehicle, taxi, medical van, ambulance, commercial airline, and train
  - Rental car expenses
  - Mileage reimbursement for driving a personal vehicle
  - Lodging
  - Meals
- Routine patient costs obtained out-of-network where non-network benefits do not exist under the plan
- Clinical Trials that do not meet the requirements listed in the Indications for Coverage section above

Definitions

Refer to the federal, state, or contractual definitions that supersede the definitions below.

Category B Devices: As determined by the FDA, non-experimental and/or investigational devices where the incremental risk is the primary risk in question (i.e., underlying questions of safety and effectiveness of that device type have been resolved), or it is known that the device type can be safe and effective because, for example, other manufacturers have obtained FDA approval for that device type. (CFR, 1995).

Clinical Trials/Studies Involving Investigational New Drugs:

- **Early Phase 1 (formerly listed as Phase 0)**: A phase of research used to describe exploratory trials conducted before traditional phase 1 trials to investigate how or whether a drug affects the body. They involve very limited human exposure to the drug and have no therapeutic or diagnostic goals (for example, screening studies, micro-dose studies).
- **Phase 1**: A phase of research to describe Clinical Trials that focus on the safety of a drug. They are usually conducted with healthy volunteers, and the goal is to determine the drug's most frequent and serious adverse events and, often, how the drug is broken down and excreted by the body. These trials usually involve a small number of participants.
- **Phase 2**: A phase of research to describe Clinical Trials that gather preliminary data on whether a drug works in people who have a certain condition/disease (that is, the drug's effectiveness). For example, participants receiving the drug may be compared to similar participants receiving a different treatment, usually an inactive substance (called a placebo) or a different drug. Safety continues to be evaluated, and short-term adverse events are studied.
- **Phase 3**: A phase of research to describe Clinical Trials that gather more information about a drug's safety and effectiveness by studying different populations and different dosages and by using the drug in combination with other drugs. These studies typically involve more participants.

- **Phase 4**: A phase of research to describe Clinical Trials occurring after FDA has approved a drug for marketing. They include post market requirement and commitment studies that are required of, or agreed to, by the study sponsor. These trials gather additional information about a drug's safety, efficacy, or optimal use. (ClinicalTrials.gov, 2019)

Covered Health Care Service(s): Health care services, including supplies or pharmaceutical products, which we determine to be all of the following:
- Provided for the purpose of preventing, evaluating, diagnosing or treating a Sickness, Injury, Mental Illness, substance-related and addictive disorders, condition, disease or its symptoms
- Medically Necessary
- Described as a Covered Health Care Service in the Certificate under Section 1: Covered Health Care Services and in the Schedule of Benefits
- Not excluded in the Certificate under Section 2: Exclusions and Limitations

Exceptions:
- Clinical Trials for which benefits are available as described under Clinical Trials in Section 1: Covered Health Care Services.
- If you are not a participant in a qualifying clinical trial, as described under Clinical Trials in Section 1: Covered Health Care Services and have a Sickness or condition that is likely to cause death within one year of the request for treatment we may, as we determine, consider an otherwise Experimental or Investigational Service to be a Covered Health Care Service for that Sickness or condition. Prior to such a consideration, we must first establish that there is sufficient evidence to conclude that, albeit unproven, the service has significant potential as an effective treatment for that Sickness or condition.

Experimental or Investigational Service(s): Medical, surgical, diagnostic, psychiatric, mental health, substance related and addictive disorders or other health care services, technologies, supplies, treatments, procedures, drug therapies, medications or devices that, at the time we make a determination regarding coverage in a particular case, are determined to be any of the following:
- Not approved by the U.S. Food and Drug Administration (FDA) to be lawfully marketed for the proposed use and not identified as appropriate for proposed use in any of the following:
  - AHFS Drug Information (AHFS DI) under therapeutic uses section;
  - Elsevier Gold Standard's Clinical Pharmacology under the indications section;
  - DRUGDEX System by Micromedex under the therapeutic uses section and has a strength recommendation rating of class I, class IIa, or class IIb; or
  - National Comprehensive Cancer Network (NCCN) drugs and biologics compendium category of evidence 1, 2A, or 2B.
- Subject to review and approval by any institutional review board for the proposed use (devices which are FDA approved under the Humanitarian Use Device exemption are not Experimental or Investigational).
- The subject of an ongoing clinical trial that meets the definition of a Phase I, II or III clinical trial set forth in the FDA regulations, regardless of whether the trial is actually subject to FDA oversight.
- Only obtainable, with regard to outcomes for the given indication, within research settings.

Applicable Codes

The following list(s) of procedure and/or diagnosis codes is provided for reference purposes only and may not be all inclusive. Listing of a code in this policy does not imply that the service described by the code is a covered or non-covered health service. Benefit coverage for health services is determined by federal, state, or contractual requirements and applicable laws that may require coverage for a specific service. The inclusion of a code does not imply any right to reimbursement or guarantee claim payment. Other Policies and Guidelines may apply.

Coding Clarification: Clinical Trials claims are not limited to these modifiers. However, if a claim has one of these modifiers it is considered to be a Clinical Trials claim.

Modifier	Description
Q0	Investigational clinical service provided in a clinical research study that is in an approved clinical research study
Q1	Routine clinical service provided in a clinical research study that is in an approved clinical research study

HCPCS Code	Description
Covered When Criteria Are Met	
G0276	Blinded procedure for lumbar stenosis, percutaneous image-guided lumbar decompression (PILD) or placebo-control, performed in an approved coverage with evidence development (CED) clinical trial
G0293	Noncovered surgical procedure(s) using conscious sedation, regional, general, or spinal anesthesia in a Medicare qualifying clinical trial, per day
G0294	Noncovered procedure(s) using either no anesthesia or local anesthesia only, in a Medicare qualifying clinical trial, per day
G2000	Blinded administration of convulsive therapy procedure, either electroconvulsive therapy (ECT, current covered gold standard) or magnetic seizure therapy (MST, noncovered experimental therapy), performed in an approved IDE-based clinical trial, per treatment session
S9988	Services provided as part of a Phase I clinical trial
S9990	Services provided as part of a Phase II clinical trial
S9991	Services provided as part of a Phase III clinical trial
Not Covered	
S9992	Transportation costs to and from trial location and local transportation costs (e.g., fares for taxicab or bus) for clinical trial participant and one caregiver/companion
S9994	Lodging costs (e.g., hotel charges) for clinical trial participant and one caregiver/companion
S9996	Meals for clinical trial participant and one caregiver/companion

Coding Clarification: Clinical Trials claims are not limited to this diagnosis code. However, if a claim has this code it is considered to be a Clinical Trials claim.

Diagnosis Code	Description
Z00.6	Encounter for examination for normal comparison and control in clinical research program

Description of Services

Clinical Trials are studies involving human volunteers (also called participants) that are intended to add to medical knowledge. Participants receive specific interventions according to a research plan or protocol created by the trial investigators. These interventions may be medical products, such as drugs or devices, procedures, or changes to participant's behavior. Clinical Trials may compare a new medical approach to a standard one that is already available, to a placebo that contains no active ingredients, or to no intervention. A clinical trial may also compare existing interventions to each other. Clinical Trials aim to determine the safety and efficacy of interventions by measuring certain outcomes. (ClinicalTrials.gov, 2019).

U.S. Food and Drug Administration (FDA)

This section is to be used for informational purposes only. FDA approval alone is not a basis for coverage.

The FDA does not conduct clinical trials; however, it does provide oversight for some human drug, biological product, and device trials. Refer to https://www.fda.gov/patients/clinical-trials-what-patients-need-know/basics-about-clinical-trials for additional information. (Accessed May 4, 2023)

The FDA requires certain clinical trials to be registered in the ClinicalTrials.gov database. Refer to https://www.fda.gov/science-research/clinical-trials-and-human-subject-protection/fdas-role-clinicaltrialsgov-information for additional information. (Accessed May 4, 2023)

References

ClinicalTrials.gov website. Learn about clinical studies. Available at: https://clinicaltrials.gov/ct2/about-studies/learn#ClinicalTrials. Bethesda: U.S. National Library of Medicine. March 2019. Accessed March 9, 2023.

Code of Federal Regulations (CFR). Medical services coverage decisions that relate to health care technology, 42 CFR 405.201 (1995). Available at: https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-B/part-405/subpart-B. Accessed May 4, 2023.

Medicare Benefit Policy Manual, Chapter 14 - Medical Devices. § 20.2 Category B; available at: http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Internet-Only-Manuals-IOMs-Items/CMS012673.html. Accessed May 4, 2023.

U.S. Department of Health and Human Services. About the Affordable Care Act. Available at: https://www.hhs.gov/healthcare/about-the-aca/index.html. Accessed May 4, 2023.

Policy History/Revision Information

Date	Summary of Changes
07/01/2024	• Created state-specific policy version for Nebraska (no change to coverage guidelines)
01/01/2024	**Application** ***Louisiana*** • Updated reference link to reflect current title for state-specific policy version
12/01/2023	**Application** ***North Carolina and Tennessee*** • Updated reference link to reflect current title for state-specific policy version
11/01/2023	**Application** ***Ohio*** • Updated reference link to reflect current title for state-specific policy version
09/01/2023	**Definitions** • Updated definition of "Experimental or Investigational Service(s)" **Supporting Information** • Updated *Description of Services* and *References* sections to reflect the most current information • Removed *Clinical Evidence* section • Archived previous policy version CS018.S

Instructions for Use

This Medical Policy provides assistance in interpreting UnitedHealthcare standard benefit plans. When deciding coverage, the federal, state, or contractual requirements for benefit plan coverage must be referenced as the terms of the federal, state, or contractual requirements for benefit plan coverage may differ from the standard benefit plan. In the event of a conflict, the federal, state, or contractual requirements for benefit plan coverage govern. Before using this policy, please check the federal, state, or contractual requirements for benefit plan coverage. UnitedHealthcare reserves the right to modify its Policies and Guidelines as necessary. This Medical Policy is provided for informational purposes. It does not constitute medical advice.

UnitedHealthcare may also use tools developed by third parties, such as the InterQual® criteria, to assist us in administering health benefits. The UnitedHealthcare Medical Policies are intended to be used in connection with the independent professional medical judgment of a qualified health care provider and do not constitute the practice of medicine or medical advice.