

AMENDMENTS TO HOUSE BILL NO. 272

Sponsor: REPRESENTATIVE HESS

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1 Amend Bill, page 1, line 2, by striking out "and" where it
2 occurs the first time

3 Amend Bill, page 1, line 5, by inserting after "coverage"
4 ; and executing prevention and education strategies

5 Amend Bill, page 1, lines 8 through 16; pages 2 through 9,
6 lines 1 through 30; page 10, lines 1 through 27, by striking out
7 all of said lines on said pages and inserting

8 Section 1. Short title.

9 This act shall be known and may be cited as the Lyme and
10 Related Tick-Borne Disease Surveillance, Education, Prevention
11 and Treatment Act.

12 Section 2. Findings.

13 The General Assembly finds and declares as follows:

14 (1) Lyme disease and other tick-borne diseases are
15 carried primarily by ticks and pose a serious threat to the
16 health and quality of life of many citizens of this
17 Commonwealth.

18 (2) The most common way to acquire Lyme disease is to be
19 bitten by a tick that carries the spirochete.

20 (3) In 2009, 5,722 confirmed cases of Lyme disease were
21 reported in this Commonwealth, the highest number of cases
22 reported in any state and representing a 76% increase since
23 2006. In 2011, provisional numbers of 7,484 cases confirm
24 this ongoing upward trend.

25 (4) These trends illustrate the World Health
26 Organization's (WHO) projections through 2010. The WHO states
27 that Lyme disease will increasingly become a public health
28 threat in the United States. Pennsylvania needs to be
29 prepared to deal with this trend, which is already being
30 observed in Pennsylvania's statistics.

31 (5) Lyme disease is most prevalent in southeastern
32 Pennsylvania, but it is found across this Commonwealth.

33 (6) With proper precautions taken while engaged in
34 outdoor activities, people can greatly reduce their chances

1 of tick pathogen transmission by making sure that frequent
2 tick checks are made and ticks are removed and disposed of
3 promptly and properly.

4 (7) The early clinical diagnosis and appropriate
5 treatment of these tick-borne disorders and diseases can
6 greatly reduce the risks of continued symptoms which can
7 affect every system and organ of the human body and often
8 every aspect of life.

9 (8) Left untreated, Lyme disease can cause a number of
10 signs and symptoms which can become quite severe.

11 Section 3. Legislative intent.

12 It is the intent of the General Assembly:

13 (1) To provide the public with information and education
14 to create greater public awareness of the dangers of and
15 measures available to prevent, diagnose and treat Lyme
16 disease and related maladies.

17 (2) To ensure that:

18 (i) Licensees, insurers, patients and governmental
19 agencies are educated about treatment options.

20 (ii) Licensees provide patients with sufficient
21 information about treatment options to enable patients to
22 make an informed choice as part of informed consent and
23 respect the autonomy of that choice.

24 (iii) Pennsylvania government agencies provide
25 unbiased information regarding treatment options.

26 Section 4. Definitions.

27 The following words and phrases when used in this act shall
28 have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Board." The Pennsylvania State Board of Medicine, the State
31 Board of Osteopathic Medicine and the State Board of Nursing.

32 "Department." The Department of Health of the Commonwealth.

33 "Licensee." A licensed physician, a physician's assistant or
34 certified registered nurse practitioner or other licensed health
35 care professional.

36 "Long-term antibiotic or antimicrobial therapy."
37 Administration of oral, intramuscular or intravenous antibiotics
38 or antimicrobial medications, singly or in combination, for
39 periods of more than four weeks.

40 "Lyme disease." The clinical diagnosis of a patient by a
41 licensed physician or certified registered nurse practitioner of
42 the presence of signs or symptoms compatible with acute, late-
43 stage, persistent infection with *Borrelia burgdorferi* or
44 complications related to such infection or with such other
45 strains of *Borrelia* that are recognized by the Centers for
46 Disease Control and Prevention as a cause of Lyme disease. The
47 term includes infection which meets the surveillance criteria
48 set forth by the Centers for Disease Control and Prevention and
49 other acute and persistent manifestations of such an infection
50 as determined by a physician.

51 "Related tick-borne illnesses." Cases of Bartonellosis,

1 Babesiosis/Piroplasmosis, Anaplasmosis, Ehrlichiosis and other
2 tick-transmissible illnesses as may be empirically associated
3 with Lyme disease.

4 "Secretary." The Secretary of Health of the Commonwealth.

5 "State officials." The term includes the Secretary of
6 Environmental Protection.

7 "Task force." The task force established by this act.

8 "Therapeutic purpose." The use of antibiotics to control a
9 patient's symptoms or signs determined by a physician as
10 reasonably related to Lyme disease and its sequelae or related
11 tick-borne illnesses.

12 Section 5. Task force.

13 (a) Establishment.--The department shall establish a task
14 force on Lyme disease and related tick-borne diseases.

15 (b) Purpose.--The task force shall investigate and make
16 recommendations to the department regarding:

17 (1) The surveillance and prevention of Lyme disease and
18 related tick-borne illnesses in this Commonwealth.

19 (2) Raising awareness about the long-term effects of the
20 misdiagnosis of Lyme disease.

21 (3) The development of a program of general public and
22 health care professional information and education regarding
23 Lyme disease which shall include the broad spectrum of
24 scientific and treatment options regarding all stages of Lyme
25 disease and related tick-borne illnesses.

26 (4) Cooperation with the Pennsylvania Game Commission to
27 disseminate the information required under paragraph (3) to
28 licensees of the commission and the general public.

29 (5) Cooperation with the Department of Conservation and
30 Natural Resources to disseminate the information required
31 under paragraph (3) to the general public and visitors of
32 State parks and lands.

33 (6) Cooperation with the Department of Environmental
34 Protection to test ticks and provide results and to publish
35 on its publicly accessible Internet website.

36 (7) Cooperation with the Department of Education to:

37 (i) Disseminate the information required under
38 paragraph (3) to school administrators, faculty, staff,
39 parents, guardians and students.

40 (ii) Determine the role schools may play in the
41 prevention of Lyme disease, including, but not limited
42 to, prompt removal and reporting of tick removals to
43 State officials.

44 (iii) Update policies to recognize signs or symptoms
45 of Lyme disease and related tick-borne illnesses as
46 health impairments potentially requiring accommodations.

47 (c) Composition.--The task force shall be composed of the
48 following individuals:

49 (1) The Secretary of Health or a designee.

50 (2) The Insurance Commissioner or a designee.

51 (3) The Secretary of Education or a designee.

1 (4) The Deputy Secretary for Parks and Forestry in the
2 Department of Conservation and Natural Resources or a
3 designee.

4 (5) The Director of the Bureau of Information and
5 Education of the Pennsylvania Game Commission or a designee.

6 (6) Two physicians licensed in this Commonwealth, who
7 are knowledgeable concerning treatment of Lyme disease and
8 related tick-borne illnesses and who are members of the
9 International Lyme and Associated Diseases Society.

10 (7) Two physicians licensed in this Commonwealth who are
11 knowledgeable concerning treatment of Lyme disease and
12 related tick-borne illnesses who are members of the
13 Infectious Disease Society of America.

14 (8) An epidemiologist licensed in this Commonwealth
15 having expertise in spirochetes and related infectious
16 diseases.

17 (9) Two individuals representing Lyme disease patient
18 groups who may be a Lyme disease patient or a family member
19 of a Lyme disease patient.

20 (10) One individual who is a Lyme disease patient or a
21 family member of a Lyme disease patient.

22 (11) Two registered nurses licensed in this
23 Commonwealth, one of which should be a certified registered
24 nurse practitioner and both of whom are knowledgeable
25 concerning Lyme disease and related tick-borne illnesses.

26 (12) The Director of Vector Management of the Department
27 of Environmental Protection.

28 (13) An entomologist with the Department of Entomology
29 of The Pennsylvania State University who has experience in
30 tick identification and tick-borne diseases.

31 (14) A registered school nurse licensed in this
32 Commonwealth who is knowledgeable concerning Lyme disease and
33 tick-borne illnesses.

34 (15) Two veterinarians licensed in this Commonwealth, at
35 least one of whom is a veterinary epidemiologist and both of
36 whom are knowledgeable concerning Lyme disease and related
37 tick-borne illnesses.

38 (d) Meetings.--

39 (1) Within 45 days of the effective date of this act,
40 the Secretary of Health shall appoint the members of the task
41 force. The Secretary of Health shall appoint a chairman of
42 the task force.

43 (2) The task force shall convene within 90 days of the
44 effective date of this act and shall meet quarterly.

45 (3) The task force shall issue a report with
46 recommendations to the Secretary of Health within one year of
47 its first meeting. The report shall also be transmitted to
48 the relevant committees of the Senate and the House of
49 Representatives. Nothing in this act shall prohibit the task
50 force from making interim reports, taking agreed-upon
51 immediate actions or responding to requests for such reports.

1 (e) Compensation and expenses.--The members of the task
2 force shall receive no compensation for their services but shall
3 be reimbursed for actual and necessary expenses incurred in
4 performance of their duties. Reimbursement shall be provided by
5 the department.

6 (f) Department.--The department shall:

7 (1) Develop a program of general public and health care
8 professional information and education regarding Lyme disease
9 which shall include the broad spectrum of scientific and
10 treating options regarding all stages of Lyme disease and
11 related tick-borne illnesses.

12 (2) Develop an active tick collection, testing and
13 surveillance program in cooperation with the Department of
14 Environmental Protection to provide a better understanding
15 of, including, but not limited to, the full range of tick-
16 borne diseases, geographic hot spots and levels of
17 infectivity to be used in targeting prevention and education
18 efforts. This effort may include veterinary data on tick-
19 borne disease prevention, specifically dogs and horses and
20 other animals as the Centers for Disease Control and
21 Prevention have recommended.

22 (3) Cooperate with the Pennsylvania Game Commission to
23 disseminate the information required under paragraph (1) to
24 licensees of the Pennsylvania Game Commission and the general
25 public.

26 (4) Cooperate with the Department of Conservation and
27 Natural Resources to disseminate the information required
28 under paragraph (1) to the general public and visitors of
29 State parks and lands.

30 (5) Cooperate with the professional associations of
31 health care professionals to provide the education program
32 for professionals required under paragraph (1).

33 (6) Cooperate with the Department of Education to:

34 (i) Disseminate the information under paragraph (1)
35 to school administrators, school nurses, faculty and
36 staff, parents, guardians and students.

37 (ii) Determine what role schools may play in the
38 prevention of Lyme disease, including, but not limited
39 to, prompt removal and reporting of tick removals to
40 State officials.

41 (iii) Update policies to recognize signs or symptoms
42 of Lyme disease and related tick-borne illnesses as
43 health conditions potentially requiring accommodations.

44 (7) Cooperate with the Department of Environmental
45 Protection to publish and make available on its publicly
46 accessible Internet website the information developed under
47 paragraph (2) to health care professionals and the general
48 public.

49 (8) Cooperate with The Pennsylvania State University,
50 Department of Entomology, Cooperative Extension Program for
51 Integrated Pest Management, to disseminate educational

1 resources about ticks, related diseases and integrated pest
2 management for disease prevention as required under paragraph
3 (1) to health care professionals and the general public.

4 (9) Identify and apply for public and private funding in
5 order to carry out the provisions of this act.

6 Section 6. Required coverage.

7 (a) Tick-borne illnesses.--Except as provided in subsection
8 (b), every health care policy which is delivered, issued for
9 delivery, renewed, extended or modified in this Commonwealth by
10 a health insurer must cover prescribed treatment for Lyme
11 disease or related tick-borne illnesses if the diagnosis and
12 treatment plan are documented in the patient's medical record,
13 and it is documented in the patient's medical record that the
14 patient has been properly informed of multiple standards of
15 care, risks and benefits and able to exercise informed consent.
16 Such treatment plans may include long-term therapies, long-term
17 antibiotic or antimicrobial therapy and treatment as prescribed
18 by the patient's attending physician.

19 (b) Exception.--Subsection (a) shall not apply to any of the
20 following types of insurance:

21 (1) Hospital indemnity.

22 (2) Accident.

23 (3) Specified disease.

24 (4) Disability income.

25 (5) Dental.

26 (6) Vision.

27 (7) Civilian Health and Medical Program of the Uniformed
28 Services (CHAMPUS) supplement.

29 (8) Medicare supplement.

30 (9) Long-term care.

31 (10) Other limited insurance benefit plans.

32 Section 7. Effective date.

33 This act shall take July 1, 2013.