

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1977

Session of
2003

INTRODUCED BY PHILLIPS, JAMES, LEH, BARD, BELFANTI, BROWNE,
CAPPELLI, CREIGHTON, DALEY, HENNESSEY, MAITLAND, McNAUGHTON,
ROSS, SATHER, E. Z. TAYLOR, HESS AND GOOD, SEPTEMBER 11, 2003

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE
OF REPRESENTATIVES, AS AMENDED, MARCH 30, 2004

AN ACT

1 Providing for lyme and related tick-borne disease diagnosis and
2 treatment, for denial, revocation or suspension of license or
3 discipline of treating physicians and doctors of osteopathy
4 and for professional misconduct proceedings.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Lyme and
9 Related Tick-borne Disease Diagnosis and Treatment Act.

10 Section 2. Definitions.

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

14 "Board." The State Board of Medicine or the State Board of
15 Osteopathy.

16 "Licensee." A licensed physician or doctor of osteopathy.

17 "Long-term antibiotic or antimicrobial therapy."

18 Administration of oral, intramuscular or intravenous antibiotics

or antimicrobial medications, singly or in combination, for periods of greater than four weeks.

"Lyme disease." The clinical diagnosis of the presence in a patient of signs and symptoms compatible with acute infection with *Borrelia burgdorferi* or related *Borrelioses*, or with late stage or chronic infection with *Borrelia burgdorferi*, or with complications related to such an infection. The term includes infection which meets the surveillance criteria set forth by the United States Centers for Disease Control and Prevention and also includes other acute and chronic manifestations of such an infection as determined by the physician.

"Related tick-borne illnesses." Cases of Bartonellosis, Babesiosis/Piroplasmosis and other tick-transmissible illnesses as may be empirically associated with lyme disease.

"Therapeutic purpose." The use of antibiotics to control a patient's symptoms determined by the physician as reasonably related to lyme disease and its sequelae or related tick-borne illnesses.

Section 3. Long-term antibiotic and microbial treatment.

A licensee may prescribe, administer or dispense antibiotic or antimicrobial therapy for therapeutic purposes to a person diagnosed with and having symptoms of lyme disease or related tick-borne illnesses if this diagnosis and treatment plan have been documented in the licensee's medical record for that patient. No licensee shall be subject to professional misconduct proceedings or to disciplinary action by the board solely for prescribing, administering or dispensing long-term antibiotic or antimicrobial therapy for a therapeutic purpose for a patient clinically diagnosed with lyme disease or related tick-borne illnesses if this diagnosis and treatment plan have been

1 documented in the licensee's medical record for that patient.

2 Section 4. Denial, revocation or suspension of license or
3 discipline of licensee.

4 Nothing in this section shall diminish the right of the board
5 to deny, revoke or suspend the license of a licensee or
6 discipline a licensee who prescribes, administers or dispenses
7 long-term antibiotic or antimicrobial therapy for a
8 nontherapeutic purpose, who fails to monitor the ongoing care of
9 a patient receiving long-term antibiotic or antimicrobial
10 therapy or who fails to keep complete and accurate ongoing
11 records of the diagnosis and treatment of a patient receiving
12 long-term antibiotic or antimicrobial therapy.

13 Section 5. Professional misconduct proceedings.

14 (a) General rule.--Whenever the board initiates or has
15 initiated professional misconduct proceedings against a licensee
16 as a result of a complaint filed by an insurance company,
17 pharmacy benefit manager or comprehensive health services plan
18 pursuant to this act, which in whole or in part concerns the
19 licensee's diagnosis or treatment of lyme disease or any related
20 tick-borne illness, a copy of the complaint shall be disclosed
21 to the licensee within ten days after the licensee's request.

22 (b) Requirements of charges.--Whenever charges are made
23 which, in whole or in part, concern a licensee's diagnosis or
24 treatment of lyme disease or any related tick-borne illness, the
25 charges shall contain a statement of facts sufficient to allow a
26 judicial determination as to whether the charges are proper
27 under this section.

28 (c) Notice of hearing.--Whenever a notice of hearing is
29 served in which the charges or allegations against the licensee
30 in whole or in part concern the licensee's diagnosis or

1 treatment of lyme disease or any related tick-borne illness or
2 the administration of long-term antibiotic or antimicrobial
3 therapy or concern any patient who has been diagnosed with lyme
4 disease or any related tick-borne illness, the notice shall
5 contain the identity of any experts consulted by the board or to
6 be called to testify by the board and the substance of the
7 opinion of each such expert.

8 SECTION 6. REQUIRED COVERAGE. <—

9 EVERY HEALTH CARE POLICY WHICH IS DELIVERED, ISSUED FOR
10 DELIVERY, RENEWED, EXTENDED OR MODIFIED IN THIS COMMONWEALTH BY
11 A HEALTH INSURER MUST COVER PRESCRIBED TREATMENT FOR LYME
12 DISEASE OR RELATED TICK-BORNE ILLNESS IF THE DIAGNOSIS AND
13 TREATMENT PLAN ARE DOCUMENTED IN THE PATIENT'S MEDICAL RECORD.
14 THIS SHALL INCLUDE LONG-TERM THERAPIES AND TREATMENT AS
15 PRESCRIBED BY THE PATIENT'S ATTENDING PHYSICIAN.

16 Section 6 7. Applicability. <—

17 This act shall apply to all applicable proceedings pending on
18 the effective date of this act.

19 Section 7 8. Effective date. <—

20 This act shall take effect immediately.