

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, GOOD, DENLINGER AND
SCAVELLO, SEPTEMBER 11, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 10, 2004

AN ACT

1 Providing for ~~lyme~~ LYME and related tick-borne disease diagnosis <—
2 and treatment, for denial, revocation or suspension of
3 license or discipline of treating physicians and doctors of
4 osteopathy 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."

1 Administration of oral, intramuscular or intravenous antibiotics
2 or antimicrobial medications, singly or in combination, for
3 periods of greater than four weeks.

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

13 "Related tick-borne illnesses." Cases of Bartonellosis,
14 Babesiosis/Piroplasmosis and other tick-transmissible illnesses
15 as may be empirically associated with ~~lyme~~ LYME disease. <—

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

20 Section 3. Long-term antibiotic and microbial treatment.

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

1 related tick-borne illnesses if this diagnosis and treatment
2 plan have been documented in the licensee's medical record for
3 that patient.

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

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

15 Section 5. Professional misconduct proceedings.

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

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

1 (c) Notice of hearing.--Whenever a notice of hearing is
2 served in which the charges or allegations against the licensee
3 in whole or in part concern the licensee's diagnosis or
4 treatment of ~~lyme~~ LYME disease or any related tick-borne illness <—
5 or the administration of long-term antibiotic or antimicrobial
6 therapy or concern any patient who has been diagnosed with ~~lyme~~ <—
7 LYME disease or any related tick-borne illness, the notice shall <—
8 contain the identity of any experts consulted by the board or to
9 be called to testify by the board and the substance of the
10 opinion of each such expert.

11 Section 6. Required coverage.

12 ~~Every~~ (A) TICK-BORNE ILLNESS.--EXCEPT AS PROVIDED IN <—
13 SUBSECTION (B), EVERY health care policy which is delivered,
14 issued for delivery, renewed, extended or modified in this
15 Commonwealth by a health insurer must cover prescribed treatment
16 for ~~lyme~~ LYME disease or related tick-borne illness if the <—
17 diagnosis and treatment plan are documented in the patient's
18 medical record. This shall include long-term therapies and
19 treatment as prescribed by the patient's attending physician.

20 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY TO ANY OF THE <—
21 FOLLOWING TYPES OF INSURANCE:

22 (1) HOSPITAL INDEMNITY.

23 (2) ACCIDENT.

24 (3) SPECIFIED DISEASE.

25 (4) DISABILITY INCOME.

26 (5) DENTAL.

27 (6) VISION.

28 (7) CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED
29 SERVICES (CHAMPUS) SUPPLEMENT.

30 (8) MEDICARE SUPPLEMENT.

1 (9) LONG-TERM CARE.

2 (10) OTHER LIMITED INSURANCE BENEFIT PLANS.

3 Section 7. Applicability.

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

6 Section 8. Effective date.

7 This act shall take effect immediately.