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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1033 Session of  
2021

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INTRODUCED BY RAPP, R. BROWN, ZIMMERMAN, BOROWICZ, ROTHMAN,  
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SANKEY, WHEELAND, QUINN, M. MACKENZIE, B. MILLER, LAWRENCE,  
GLEIM, SCHLEGEL CULVER AND GILLEN, MARCH 26, 2021

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REFERRED TO COMMITTEE ON HEALTH, MARCH 26, 2021

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AN ACT

1 Providing for patient access to diagnostics and treatments for  
2 Lyme disease and related tick-borne illnesses; and requiring  
3 health care policies to provide certain coverage.

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

6 Section 1. Short title.

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

9 Section 2. Findings.

10 The General Assembly finds as follows:

11 (1) From 1990 to 2017, Pennsylvania reported 116,824  
12 confirmed cases of Lyme disease and in 2017 reported 11,900  
13 new cases, ranking highest in the nation in confirmed cases  
14 for the last seven years. Because the United States  
15 Department of Health and Human Services Centers for Disease  
16 Control and Prevention estimates cases may be underreported

1 by a factor of 10, it is estimated that the number of Lyme  
2 disease cases in Pennsylvania in 2017 was closer to 119,000.

3 (2) In 2015, the Department of Environmental Protection  
4 published a study that confirmed a high risk of Lyme disease  
5 in every county of this Commonwealth and noted that 67  
6 counties had the blacklegged tick.

7 (3) Early diagnosis and treatment of these tick-borne  
8 illnesses and diseases can greatly reduce the risks of  
9 continued symptoms which can affect every system and organ of  
10 the human body and often every aspect of life.

11 (4) Between 10% to 40% of Lyme disease patients may go  
12 on to suffer from complex, chronic/persistent conditions  
13 which may be more difficult to treat.

14 (5) There are multiple diagnostic and treatment  
15 guidelines for diagnosis and treatment of Lyme disease and  
16 tick-borne illness.

17 (6) A 2013 Centers for Disease Control and Prevention  
18 (CDC) study found that only 39% of individuals with Lyme  
19 disease were treated using short-term antibiotics. The  
20 majority of the individuals were treated for longer periods.

21 (7) Scientific understanding of these complex tick-borne  
22 illnesses is expected to evolve rapidly in the next decade,  
23 including diagnosis and treatment options.

#### 24 Section 3. Definitions.

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

28 "Health care practitioner." A health care practitioner as  
29 defined in section 103 of the act of July 19, 1979 (P.L.130,  
30 No.48), known as the Health Care Facilities Act, who is

1 authorized to prescribe medication in this Commonwealth.

2 "Health insurance policy."

3 (1) An individual or group health, sickness or accident  
4 policy, or subscriber contract or certificate offered, issued  
5 or renewed by an entity subject to one of the following:

6 (i) The act of May 17, 1921 (P.L.682, No.284), known  
7 as The Insurance Company Law of 1921, including section  
8 630 and Article XXIV of the act.

9 (ii) The act of December 29, 1972 (P.L.1701,  
10 No.364), known as the Health Maintenance Organization  
11 Act.

12 (iii) The provisions of 40 Pa.C.S. Ch. 61 (relating  
13 to hospital plan corporations) or 63 (relating to  
14 professional health services plan corporations).

15 (2) The term does not include accident only, fixed  
16 indemnity, limited benefit, credit, dental, vision, specified  
17 disease, Medicare supplement, Civilian Health and Medical  
18 Program of the Uniformed Services (CHAMPUS) supplement, long-  
19 term care or disability income, workers' compensation or  
20 automobile medical payment insurance.

21 "Lyme disease." Signs or symptoms compatible with acute,  
22 late-stage, persistent infection with *Borrelia burgdorferi* or  
23 complications related to the infection or with other strains of  
24 *Borrelia*, including, but not limited to, *B. miyamotoi*, *B.*  
25 *mayonii*, *B. garinii* and *B. afzelii*, that are recognized by the  
26 Centers for Disease Control and Prevention as a cause of Lyme  
27 disease. The term includes infection that meets the surveillance  
28 criteria established by the Centers for Disease Control and  
29 Prevention and other acute and persistent manifestations of the  
30 infection as determined by a health care practitioner.

1 "Related tick-borne illness." The presence of signs or  
2 symptoms compatible with infection with bartonella,  
3 babesiosis/piroplasmosis, anaplasmosis, ehrlichiosis, Rocky  
4 Mountain spotted fever, rickettsiosis or other tick-  
5 transmissible illness or complications related to the  
6 infections. The term does not include Lyme disease.

7 Section 4. Treatment.

8 (a) Options.--A health care practitioner may order  
9 diagnostic testing and prescribe, administer or dispense  
10 antibiotic therapy for the duration the health care practitioner  
11 determines appropriate for a patient, for the therapeutic  
12 purpose of eliminating or controlling a patient's infection or  
13 symptoms, upon making a clinical diagnosis that the patient has  
14 Lyme disease or a related tick-borne illness or displays  
15 symptoms consistent with a clinical diagnosis of Lyme disease or  
16 related tick-borne illness. The health care practitioner must  
17 document the diagnosis and treatment in the patient's medical  
18 records.

19 (b) Required disclosure.--A health care practitioner shall  
20 fully disclose all risks and benefits associated with any  
21 recommended treatment option. The disclosure shall include  
22 alternatives that a reasonable prudent patient would require to  
23 make an informed decision. The disclosure of the information  
24 under this subsection shall be recorded in the patient's medical  
25 record.

26 Section 5. Coverage requirement.

27 The following apply:

28 (1) Every health insurance policy which is delivered,  
29 issued for delivery, renewed, extended or modified in this  
30 Commonwealth shall provide coverage for long-term antibiotic

1 and antimicrobial therapy for a patient with Lyme disease and  
2 related tick-borne illnesses when determined by a health care  
3 practitioner to be medically necessary and ordered by a  
4 health care practitioner after making a thorough evaluation  
5 of the patient's symptoms, diagnostic test results or  
6 response to treatment.

7 (2) Nothing in this section shall be construed as  
8 limiting a health insurer's ability to use utilization  
9 management tools.

10 Section 6. Licensing authority.

11 (a) General rule.--No health care practitioner shall be  
12 subject to disciplinary action by the health care  
13 practitioner's licensing board solely for diagnosing Lyme  
14 disease or a related tick-borne illness, and recommending a  
15 treatment protocol which the health care practitioner deems  
16 medically necessary based on the patient's needs and responses  
17 to other clinical measures.

18 (b) Construction.--Nothing in this section shall be  
19 construed to deny the right of a licensing board to deny, revoke  
20 or suspend the license of or to discipline any health care  
21 practitioner who:

22 (1) prescribes, administers or dispenses longer-term  
23 antibiotic therapy for a nontherapeutic purpose;

24 (2) fails to monitor ongoing care of a patient receiving  
25 longer-term antibiotics; or

26 (3) fails to keep complete and accurate records of the  
27 diagnosis, treatment and response to treatment of a patient  
28 receiving longer-term antibiotic treatment relating to Lyme  
29 disease or a related tick-borne illness.

30 Section 7. Applicability.

1 (a) Health insurance policies.--This act shall apply to  
2 health insurance policies as follows:

3 (1) For a health insurance policy for which either rates  
4 or forms are required to be filed with the Federal Government  
5 or the Insurance Department, this act shall apply to any  
6 policy for which a form or rate is first filed on or after  
7 180 days after the date of enactment of this act.

8 (2) For a health insurance policy for which neither  
9 rates nor forms are required to be filed with the Federal  
10 Government or the Insurance Department, this act shall apply  
11 to any policy issued or renewed on or after 180 days after  
12 the date of enactment of this act.

13 (b) Contracts.--This act shall apply to contracts between  
14 health care practitioners and insurers that are executed or  
15 renewed on or after 180 days after the date of enactment of this  
16 act.

17 Section 8. Effective date.

18 This act shall take effect in 60 days.