
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 100 Session of
2021

INTRODUCED BY BROOKS, MASTRIANO, LANGERHOLC, COLLETT,
SANTARSIERO, J. WARD, CAPPELLETTI, AUMENT, BAKER, REGAN,
K. WARD, BOSCOLA, KANE AND HAYWOOD, AUGUST 11, 2021

REFERRED TO BANKING AND INSURANCE, AUGUST 11, 2021

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) This Commonwealth has ranked the highest in the
12 country in the number of confirmed Lyme disease cases for the
13 past eight years.

14 (2) In 2018, there were 10,208 Lyme disease cases
15 reported in this Commonwealth, but the Centers for Disease
16 Control and Prevention estimate under-reporting by a factor
17 of 10 and project occurrence rates, more accurately, in the
18 100,000s.

1 (3) From 2000 to 2018, there were 106,718 confirmed Lyme
2 disease cases in this Commonwealth, but due to the fact that
3 the Centers for Disease Control and Prevention's number only
4 represents confirmed cases, the actual number of Lyme disease
5 cases may be far greater, possibly over 1 million.

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

10 (5) According to the Centers for Disease Control and
11 Prevention, Lyme disease is the most common vector-borne
12 disease in the United States.

13 (6) The early clinical diagnosis and appropriate
14 treatment of these tick-borne diseases and illnesses can
15 greatly reduce the risks of continued, diverse and chronic
16 symptoms that can affect every system and organ of the human
17 body and often every aspect of an individual's life.

18 (7) Between 10% to 40% of Lyme disease patients may go
19 on to suffer from complex, chronic/persistent conditions
20 which may be more difficult to treat.

21 (8) There are multiple diagnostic and treatment
22 guidelines for diagnosis and treatment of Lyme disease and
23 tick-borne illness.

24 (9) Scientific understanding of these complex tick-borne
25 illnesses is expected to evolve rapidly in the next decade,
26 including prevention, diagnosis and treatment options.

27 (10) A 2013 Centers for Disease Control and Prevention
28 study found that only 39% of individuals with Lyme disease
29 were treated using short-term antibiotics. The majority of
30 the individuals were treated for longer periods.

1 (11) In 2014, the Massachusetts Center for Health and
2 Information Analysis found little to no increase in insurance
3 costs as a result of expanding coverage to include longer-
4 term courses of antibiotics. The expansion by fully insured
5 health plans was projected to result in an average annual
6 increase, over five years, to the typical member's monthly
7 health insurance premiums of between a negligible amount and
8 13¢ per year.

9 Section 3. Definitions.

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

13 "Clinical diagnosis." A diagnosis of a patient based
14 primarily on information obtained from medical history, a
15 physical examination of the patient and review of medical
16 records, including laboratory tests and radiologic studies or
17 other differential diagnostic testing.

18 "Health care professional." A licensed physician,
19 physician's assistant, certified registered nurse practitioner
20 or other licensed health care professional.

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

1 care professional.

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

8 "Surveillance criteria." The set of case definition
9 standards established by the Centers for Disease Control and
10 Prevention for the purposes of consistency in research or for
11 evaluating trends in the spread of various diseases, but which
12 the Centers for Disease Control and Prevention does not intend
13 to be used by health care professionals for individual patient
14 diagnoses.

15 Section 4. Legislative intent.

16 It is the intent of the General Assembly to ensure that
17 patients have access to available and emerging diagnostics and
18 treatment options for Lyme disease and related tick-borne
19 illnesses as prescribed by attending health care professionals.

20 Section 5. Treatment.

21 A licensed health care professional may order diagnostic
22 testing and prescribe, administer or dispense antibiotic therapy
23 of the duration the licensed health care professional determines
24 appropriate for the patient, for the therapeutic purpose of
25 eliminating or controlling a patient's infection or symptoms
26 upon making a clinical diagnosis that the patient has Lyme
27 disease or a related tick-borne illness or displays symptoms
28 consistent with a clinical diagnosis of Lyme disease or related
29 tick-borne illnesses and by documenting the diagnosis and
30 treatment in the patient's medical records.

1 Section 6. Required coverage.

2 (a) Duty to provide.--Except as provided in subsection (b),
3 every health care policy which is delivered, issued for
4 delivery, renewed, extended or modified in this Commonwealth by
5 a health insurer:

6 (1) Shall cover the prescribed treatment for Lyme
7 disease or related tick-borne illnesses if the diagnosis and
8 treatment plan are documented in the patient's medical
9 record. Treatment plans may include short-term or long-term
10 durations of antibiotic or antimicrobial treatments, as
11 prescribed by the patient's attending health care
12 professional.

13 (2) Shall not deny coverage for longer-term antibiotic
14 treatment otherwise eligible solely because the treatment may
15 be characterized as unproven, experimental or investigational
16 in nature for the treatment of Lyme disease and related tick-
17 borne illnesses.

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

20 (1) Hospital indemnity.

21 (2) Accident.

22 (3) Specified disease.

23 (4) Disability income.

24 (5) Dental.

25 (6) Vision.

26 (7) Medicare and Medicare Advantage.

27 (8) Any federally funded plans, including TRICARE,
28 formerly CHAMPUS, covering military personnel and dependents,
29 Veterans Administration and the Federal Employees Health
30 Benefit Plan.

1 (9) Self-insured plans, subject to Federal law.

2 (10) Other limited insurance benefit plans.

3 Section 7. Immunity.

4 (a) General rule.--No health care professional may be
5 subject to disciplinary action by the health care professional's
6 licensing board solely for diagnosing Lyme disease or related
7 tick-borne illnesses or for prescribing, administering or
8 dispensing longer-term antibiotic therapies for the therapeutic
9 purpose of eliminating infection or controlling a patient's
10 symptoms when the patient is clinically diagnosed with Lyme
11 disease or related tick-borne illnesses, if the diagnosis,
12 treatment plan and ongoing monitoring has been documented in the
13 patient's medical record.

14 (b) Construction.--Nothing in this section shall be
15 construed to deny the right of a licensing board to deny, revoke
16 or suspend the license of or to discipline any health care
17 professional who:

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

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

22 (3) fails to keep complete and accurate records of the
23 diagnosis, treatment and response to treatment of a patient
24 receiving longer-term treatment relating to Lyme disease or
25 related tick-borne illnesses.

26 Section 8. Effective date.

27 This act shall take effect immediately.