
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 272 Session of
2011

INTRODUCED BY HESS, BAKER, FLECK, MAJOR, CALTAGIRONE, CARROLL,
CAUSER, COHEN, D. COSTA, J. EVANS, GOODMAN, GROVE, HARKINS,
HARRIS, KAUFFMAN, M.K. KELLER, KIRKLAND, KORTZ, KOTIK, KULA,
MAHONEY, MILLARD, PEIFER, PICKETT, RAPP, SWANGER, TALLMAN,
YOUNGBLOOD, MOUL AND BENNINGHOFF, JANUARY 27, 2011

REFERRED TO COMMITTEE ON HEALTH, JANUARY 27, 2011

AN ACT

1 Establishing a task force on Lyme disease and related maladies;
2 and providing for powers and duties of the task force, the
3 Department of Health, the Department of Conservation and
4 Natural Resources and the Pennsylvania Game Commission and
5 for required coverage.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Lyme and
10 Related Tick-Borne Disease Education, Prevention and Treatment
11 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 quality of life of many citizens of this Commonwealth.

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

1 (3) In 2009, 4,950 confirmed cases of Lyme disease were
2 reported in this Commonwealth.

3 (4) Lyme disease is most prevalent in southeastern
4 Pennsylvania, but it is found across this Commonwealth.

5 (5) With proper precautions taken while engaged in
6 outdoor activities, people can greatly reduce their chances
7 of tick pathogen transmission by making sure that frequent
8 tick checks are made and ticks are removed and disposed of
9 promptly and properly.

10 (6) The early clinical diagnosis and appropriate
11 treatment of these tick-borne disorders and diseases can
12 greatly reduce the risks of continued, diverse and chronic
13 signs and symptoms which can affect every system and organ of
14 the human body and often every aspect of life.

15 (7) Left untreated, Lyme disease can cause a number of
16 signs and symptoms which can become quite severe.

17 (8) Because the rate of progress of the disease and
18 differing individual responses to treatment, some patients
19 may have signs and symptoms that linger for months or even
20 years following treatment.

21 Section 3. Definitions.

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

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

26 "Long-term antibiotic or antimicrobial therapy."

27 Administration of oral, intramuscular or intravenous antibiotics
28 or antimicrobial medications, singly or in combination, for
29 periods of more than four weeks.

30 "Lyme disease." The clinical diagnosis of the presence in a

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

10 "Related tick-borne illnesses." Cases of Bartonellosis,
11 Babesiosis/Piroplasmiasis and other tick-transmissible illnesses
12 as may be empirically associated with Lyme disease.

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

17 Section 4. Legislative intent.

18 It is the intent of the General Assembly to provide the
19 public with information and education to create greater public
20 awareness of the dangers of and measures available to prevent
21 Lyme disease and related maladies.

22 Section 5. Task force.

23 (a) Establishment.--The department shall establish, to the
24 extent funds are appropriated specifically for the purposes of
25 this act, a task force on Lyme disease and related tick-borne
26 diseases.

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

29 (1) The prevention of Lyme disease and associated tick-
30 borne diseases in this Commonwealth.

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

3 (3) The development of a program of general public
4 information and education regarding Lyme disease.

5 (4) Cooperation with the Pennsylvania Game Commission to
6 disseminate the information required under paragraph (3) to
7 licensees of the commission and the general public.

8 (5) Cooperation with the Department of Conservation and
9 Natural Resources to disseminate the information required
10 under paragraph (3) to the general public and visitors of
11 State parks and lands.

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

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

15 (2) The Insurance Commissioner or a designee.

16 (3) The Deputy Secretary for Conservation and
17 Engineering Services in the Department of Conservation and
18 Natural Resources or a designee.

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

21 (5) Two physicians licensed in this Commonwealth who are
22 knowledgeable concerning treatment of early and late stage
23 Lyme disease and who are members of the International Lyme
24 and Associated Diseases Society.

25 (6) An epidemiologist licensed in this Commonwealth
26 having expertise in spirochetes and related infectious
27 diseases.

28 (7) Two individuals representing Lyme disease support
29 groups.

30 (d) Convening.--The task force shall convene within 90 days

1 after all appointments have been made and shall meet at least
2 quarterly.

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

8 (f) Department.--The department shall, to the extent funds
9 are appropriated specifically for the purposes of this act, have
10 the following powers and duties:

11 (1) Develop a program of general public information and
12 education regarding Lyme disease.

13 (2) Cooperate with the Pennsylvania Game Commission to
14 disseminate the information required under paragraph (1) to
15 licensees of the Pennsylvania Game Commission and the general
16 public.

17 (3) Cooperate with the Department of Conservation and
18 Natural Resources to disseminate the information required
19 under paragraph (1) to the general public and visitors of
20 State parks and lands.

21 (4) Cooperate with the professional associations of
22 health care professionals to provide the education program
23 for professionals required under paragraph (1).

24 Section 6. Required coverage.

25 (a) Tick-borne illnesses.--Except as provided in subsection
26 (b), every health care policy which is delivered, issued for
27 delivery, renewed, extended or modified in this Commonwealth by
28 a health insurer must cover prescribed treatment for Lyme
29 disease or related tick-borne illnesses if the diagnosis and
30 treatment plan are documented in the patient's medical record,

1 including long-term therapies, long-term antibiotic or
2 antimicrobial therapy and treatment as prescribed by the
3 patient's attending physician.

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

6 (1) Hospital indemnity.

7 (2) Accident.

8 (3) Specified disease.

9 (4) Disability income.

10 (5) Dental.

11 (6) Vision.

12 (7) Civilian Health and Medical Program of the Uniformed
13 Services (CHAMPUS) supplement.

14 (8) Medicare supplement.

15 (9) Long-term care.

16 (10) Other limited insurance benefit plans.

17 Section 7. Effective date.

18 This act shall take effect immediately.