

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 177 Session of 2013

INTRODUCED BY GREENLEAF, ERICKSON, FARNESE, MENSCH, KASUNIC, TARTAGLIONE, GORDNER, BROWNE, WHITE, SMITH, SMUCKER, RAFFERTY, SCARNATI, FERLO, YAW, SOLOBAY, WAUGH, ALLOWAY, COSTA, BOSCOLA, BAKER, McILHINNEY, DINNIMAN, BREWSTER AND BLAKE, JANUARY 17, 2013

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, JUNE 4, 2014

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 to
5 execute SURVEILLANCE, prevention and education strategies. <--

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 Surveillance, Education, Prevention
11 and Treatment Act.

12 Section 2. Findings.

13 The General Assembly finds that:

14 (1) Lyme disease and other tick-borne diseases are
15 carried primarily by ticks and pose a serious threat to the
16 health and quality of life of many citizens of this
17 Commonwealth.

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

3 ~~(3) In 2009, 5,722 cases of Lyme disease were reported~~ <--
4 ~~in this Commonwealth, the highest number of cases reported in~~
5 ~~any state, and representing a 76% increase since 2006. In~~
6 ~~2011, provisional numbers of 7,484 cases confirm this ongoing~~
7 ~~upward trend.~~

8 ~~(4) These trends illustrate the World Health~~
9 ~~Organization's (WHO) projections through 2100. The WHO states~~
10 ~~that Lyme disease will increasingly become a public health~~
11 ~~threat in the United States. Pennsylvania needs to be~~
12 ~~prepared to deal with this trend, which is already being~~
13 ~~observed in Pennsylvania's statistics.~~

14 (3) IN 2009 AND 2011, THIS COMMONWEALTH RANKED HIGHEST <--
15 IN THE COUNTRY IN THE NUMBER OF CONFIRMED CASES OF LYME
16 DISEASE. FROM 2002 THROUGH 2011, THIS COMMONWEALTH HAS
17 REPORTED A TOTAL 42,032 CONFIRMED CASES OF LYME DISEASE.

18 (4) THE WORLD HEALTH ORGANIZATION (WHO) STATES THAT LYME
19 DISEASE WILL INCREASINGLY BECOME A PUBLIC HEALTH THREAT IN
20 THE UNITED STATES.

21 (5) IN AUGUST 2013, THE CENTERS FOR DISEASE CONTROL AND
22 PREVENTION (CDC) RELEASED A REPORT THAT PRELIMINARY ESTIMATES
23 INDICATE APPROXIMATELY 300,000 AMERICANS ARE DIAGNOSED WITH
24 LYME DISEASE EACH YEAR. THIS IS APPROXIMATELY 10 TIMES HIGHER
25 THAN THE NUMBER OF CASES PREVIOUSLY REPORTED TO THE CDC EVERY
26 YEAR.

27 ~~(5)~~ (6) Lyme disease is most prevalent in Southeastern <--
28 Pennsylvania, but it is found AND IS INCREASING across this <--
29 Commonwealth.

30 ~~(6)~~ (7) With proper precautions taken while engaged in <--

1 outdoor activities, people can greatly reduce their chances
2 of tick pathogen transmission by making sure that frequent
3 tick checks are made and ticks are removed and disposed of
4 promptly and properly.

5 ~~(7)~~ (8) The early clinical diagnosis and appropriate <--
6 treatment of these tick-borne disorders and diseases can
7 greatly reduce the risks of continued symptoms which can
8 affect every system and organ of the human body and often
9 every aspect of life.

10 ~~(8)~~ (9) Left untreated, Lyme disease can cause a number <--
11 of signs and symptoms which can become quite severe.

12 Section 3. Legislative intent.

13 It is the intent of the General Assembly:

14 (1) To provide the public with information and education
15 to create greater public awareness of the dangers of and
16 measures available to prevent, diagnose and treat Lyme
17 disease and related maladies.

18 (2) To ensure that:

19 ~~(i) Licensees, insurers, patients and governmental <--
20 agencies are educated about treatment options.~~

21 ~~(ii) Licensees provide patients with sufficient
22 information about treatment options to enable patients to
23 make an informed choice as part of informed consent and
24 to respect the autonomy of that choice.~~

25 ~~(iii) Pennsylvania government agencies provide
26 unbiased information regarding treatment options.~~

27 (I) HEALTH CARE PROFESSIONALS, INSURERS, PATIENTS <--
28 AND GOVERNMENTAL AGENCIES ARE EDUCATED ABOUT THE BROAD
29 SPECTRUM OF SCIENTIFIC AND TREATMENT OPTIONS REGARDING
30 ALL STAGES OF LYME DISEASE AND RELATED TICK-BORNE

1 ILLNESSES.

2 (II) HEALTH CARE PROFESSIONALS PROVIDE PATIENTS WITH
3 INFORMATION ABOUT THE BROAD SPECTRUM OF SCIENTIFIC AND
4 TREATMENT OPTIONS REGARDING ALL STAGES OF LYME DISEASE
5 AND RELATED TICK-BORNE ILLNESSES TO ENABLE PATIENTS TO
6 MAKE AN INFORMED CHOICE AS PART OF INFORMED CONSENT AND
7 TO RESPECT THE AUTONOMY OF THAT CHOICE.

8 (III) GOVERNMENT AGENCIES IN THIS COMMONWEALTH
9 PROVIDE INFORMATION REGARDING THE BROAD SPECTRUM OF
10 SCIENTIFIC AND TREATMENT OPTIONS REGARDING ALL STAGES OF
11 LYME DISEASE AND RELATED TICK-BORNE ILLNESSES.

12 (IV) A SYSTEM IS ESTABLISHED FOR TICK SURVEILLANCE.

13 Section 4. Definitions.

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

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

18 ~~"Licensee."~~ "HEALTH CARE PROFESSIONAL." A licensed <--
19 physician, a physician's assistant, a certified registered nurse
20 practitioner or other licensed health care professional.

21 "Lyme disease." The clinical diagnosis of a patient by a <--
22 licensed physician, PHYSICIAN'S ASSISTANT or certified
23 registered nurse practitioner of the presence of signs or
24 symptoms compatible with acute, late-stage, persistent infection
25 with *Borrelia burgdorferi* or complications related to such
26 infection or with such other strains of *Borrelia* that are
27 recognized by the Centers for Disease Control and Prevention as
28 a cause of Lyme disease. The term includes infection that meets
29 the surveillance criteria established by the Centers for Disease
30 Control and Prevention and other acute and persistent

1 manifestations of such an infection as determined by a
2 physician.

3 "Related tick-borne illness." A case of Bartonella,
4 babesiosis/piroplasmiasis, anaplasmosis, ehrlichiosis or other
5 tick-transmissible illness. The term does not include Lyme
6 disease.

7 "Secretary." The Secretary of Health of the Commonwealth.

8 "State officials." The term includes the Secretary of
9 Environmental Protection of the Commonwealth.

10 "Task force." The task force established by this act.
11 Section 5. Task force.

12 (a) Establishment.--The department shall establish a task
13 force on Lyme disease and related tick-borne diseases.

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

16 (1) The surveillance and prevention of Lyme disease and
17 related tick-borne illnesses in this Commonwealth.

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

20 (3) Development of a program of general public and
21 health care professional information and education regarding
22 Lyme disease which shall include the broad spectrum of
23 scientific and treatment options regarding all stages of Lyme
24 disease and related tick-borne illnesses.

25 (4) Cooperation with the Pennsylvania Game Commission to
26 disseminate the information required under paragraph (3) to
27 licensees of the commission and the general public.

28 (5) Cooperation with the Department of Conservation and
29 Natural Resources to disseminate the information required
30 under paragraph (3) to the general public and visitors of

1 State parks and lands.

2 (6) Cooperation with the Department of Education to:

3 (i) Disseminate the information required under
4 paragraph (3) to school administrators, faculty and
5 staff, parents, guardians and students.

6 (ii) Determine what role schools may play in the
7 prevention of Lyme disease, including, but not limited
8 to, ~~prompt removal and reporting of tick removals to~~ <--

9 ~~State officials.~~ INTEGRATED PEST MANAGEMENT STRATEGIES, <--
10 PROMPT REMOVAL AND REPORTING OF TICK REMOVALS TO PARENTS,
11 GUARDIANS AND STATE OFFICIALS.

12 (iii) Update policies to recognize signs or symptoms
13 of Lyme disease and related tick-borne illnesses as
14 health conditions potentially requiring accommodations.

15 (7) ~~Cooperation of the Department of Environmental~~ <--
16 ~~Protection to test ticks and provide results and to publish~~
17 ~~infection rates on its publicly accessible Internet website.~~

18 AN ACTIVE TICK COLLECTION, TESTING, SURVEILLANCE AND <--
19 COMMUNICATION PROGRAM AS PROVIDED UNDER SUBSECTION (F) (2).

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

22 (1) The secretary or a designee.

23 (2) The Secretary of the Commonwealth or a designee.

24 (3) The Secretary of Education or a designee.

25 (4) The Deputy Secretary for Parks and Forestry in the
26 Department of Conservation and Natural Resources or a
27 designee.

28 (5) The Director of the Bureau of Information and
29 Education of the Pennsylvania Game Commission or a designee.

30 (6) Two physicians licensed in this Commonwealth who are

1 knowledgeable concerning treatment of Lyme disease and
2 related tick-borne illness and who are members of the
3 International Lyme and Associated Diseases Society.

4 (7) Two physicians licensed in this Commonwealth who are
5 knowledgeable concerning treatment of Lyme disease and
6 related tick-borne illness and who are members of the
7 Infectious Diseases Society of America.

8 (8) An epidemiologist licensed in this Commonwealth who
9 has expertise in spirochetes and related infectious diseases.

10 (9) Two individuals who represent Lyme disease patient
11 groups who may be a Lyme disease patient or a family member
12 of a Lyme disease patient.

13 (10) One individual who is a Lyme disease patient or
14 family member of a Lyme disease patient.

15 (11) Two registered nurses licensed in this
16 Commonwealth, one of whom is a certified registered nurse
17 practitioner and both of whom are knowledgeable concerning
18 Lyme disease and related tick-borne illness.

19 (12) The Director of Vector Management of the
20 Department of Environmental Protection.

21 (13) An entomologist with the Department of Entomology
22 of The Pennsylvania State University who has experience in
23 tick identification and ~~tick-borne~~ TICK-BORNE diseases. <--

24 (14) A registered school nurse licensed in this
25 Commonwealth who is knowledgeable concerning Lyme disease and
26 related tick-borne illness.

27 (15) Two veterinarians licensed in this Commonwealth, at
28 least one of whom is a veterinary epidemiologist and both of
29 whom are knowledgeable concerning Lyme disease and related
30 tick-borne illness.

1 (16) A REPRESENTATIVE FROM THE NORTHEAST DNA LABORATORY <--
2 OF EAST STROUDSBURG UNIVERSITY WHO IS KNOWLEDGEABLE ABOUT
3 VECTOR-BORNE DISEASES.

4 (d) Meetings.--

5 (1) Within 45 days of the effective date of this
6 section, the secretary shall appoint the members of the task
7 force. The secretary shall appoint a chairman of the task
8 force.

9 (2) The task force shall convene within 90 days of the
10 effective date of this section and shall meet at least
11 quarterly. THE TASK FORCE MAY CONVENE MEETINGS VIA <--
12 TELECONFERENCE.

13 (3) The task force shall issue a report with
14 recommendations to the secretary within one year of its first
15 meeting. The report shall also be transmitted to the Public
16 Health and Welfare Committee of the Senate ~~and~~, the Health <--
17 Committee of the House of Representatives AND THE HUMAN <--
18 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

19 (4) Nothing in this act shall be construed to prohibit
20 the task force from making interim reports OR TAKING INTERIM <--
21 ACTIONS.

22 (e) Compensation and expenses.--The members of the task
23 force shall receive no compensation for their services but shall
24 be allowed their actual and necessary expenses incurred in
25 performance of their duties. Reimbursement shall be provided by
26 the department.

27 (f) Duties of department.--The department shall:

28 (1) Develop a program of general public and health care
29 professional information and education regarding Lyme disease
30 which shall include the broad spectrum of scientific and

1 treating options regarding all stages of Lyme disease and
2 related tick-borne illnesses.

3 (2) Develop an active tick collection, testing and, <--
4 surveillance AND COMMUNICATION program, SUBJECT TO THE <--
5 AVAILABILITY OF FUNDS, in cooperation with the Department of
6 Environmental Protection to provide a better understanding
7 of, including, but not limited to, the full range of tick-
8 borne diseases, geographic hot spots and levels of
9 infectivity to be used in targeting prevention, INFORMATION <--
10 and education efforts. This effort may include the
11 exploration of and recommendations regarding the use of
12 veterinary data on tick-borne disease prevention,
13 specifically dogs and horses and perhaps other animals, as
14 the Centers for Disease Control and Prevention has
15 recommended. THE SURVEILLANCE DATA SHALL BE COMMUNICATED TO <--
16 HEALTH CARE PROFESSIONALS VIA PUBLIC HEALTH ALERTS AND SHALL
17 BE PUBLISHED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET
18 WEBSITE. THE DEPARTMENT MAY ENTER INTO A CONTRACT, MEMORANDUM
19 OF UNDERSTANDING OR OTHER AGREEMENT WITH ANOTHER GOVERNMENTAL
20 OR NONGOVERNMENTAL ENTITY TO DEVELOP AN ACTIVE TICK
21 COLLECTION, TESTING, SURVEILLANCE AND COMMUNICATION PROGRAM.

22 (3) Cooperate with the Pennsylvania Game Commission to
23 disseminate the information required under paragraph (1) to
24 licensees of the Pennsylvania Game Commission and the general
25 public.

26 (4) Cooperate with the Department of Conservation and
27 Natural Resources to disseminate the information required
28 under paragraph (1) to the general public and visitors of
29 State parks and lands.

30 (5) Cooperate with the Department of Education to:

1 (i) Disseminate the information required under
2 paragraph (1) to school administrators, school nurses,
3 faculty and staff, parents, guardians and students.

4 (ii) Determine what role schools may play in the
5 prevention of Lyme disease, including, but not limited
6 to, ~~prompt removal and reporting of tick removals to~~ <--
7 ~~State officials.~~ INTEGRATED PEST MANAGEMENT STRATEGIES <--
8 AND PROMPT REMOVAL AND REPORTING OF TICK REMOVALS TO
9 PARENTS, GUARDIANS AND STATE OFFICIALS.

10 (iii) Update policies to recognize signs or symptoms
11 of Lyme disease and related tick-borne illnesses as
12 health conditions potentially requiring accommodations.

13 (6) Cooperate with professional associations of health
14 care professionals to provide the education program for
15 professionals required under paragraph (1).

16 ~~(7) Cooperate with the Department of Environmental~~ <--
17 ~~Protection to publish and make available on its publicly~~
18 ~~accessible Internet website the information developed under~~
19 ~~paragraph (2) to health care professionals and the general~~
20 ~~public.~~

21 ~~(8)~~ (7) Cooperate with the Pennsylvania State <--
22 University, Department of Entomology, cooperative extension
23 program for integrated pest management, to disseminate
24 educational resources about ticks, related diseases and
25 integrated pest management for disease prevention as required
26 under paragraph (1) to health care professionals and the
27 general public.

28 ~~(9)~~ (8) Identify and apply for public and private grants <--
29 and funding in order to carry out the provisions of this act.

30 (9) WITHIN 45 DAYS OF THE EFFECTIVE DATE OF THIS <--

1 SECTION, MAKE AVAILABLE CURRENT DATA ON TICK SURVEILLANCE
2 PROGRAMS IN THIS COMMONWEALTH CONDUCTED BY OTHER ENTITIES,
3 INCLUDING THE NORTHEAST DNA LABORATORY OF EAST STROUDSBURG
4 UNIVERSITY AND THE DEPARTMENT OF ENTOMOLOGY OF THE
5 PENNSYLVANIA STATE UNIVERSITY, UNTIL SUCH TIME AS THE
6 DEPARTMENT PUBLISHES THE RESULTS OF THE ACTIVE TICK
7 COLLECTION, TESTING, SURVEILLANCE AND COMMUNICATION PROGRAM
8 AS PROVIDED FOR IN PARAGRAPH (2). THE DATA SHALL BE
9 COMMUNICATED VIA PUBLIC HEALTH ALERTS TO HEALTH CARE
10 PROFESSIONALS AND MADE AVAILABLE ON THE DEPARTMENT'S PUBLICLY
11 ACCESSIBLE INTERNET WEBSITE.

12 Section 6. Effective date.

13 This act shall take effect immediately.