

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1188 Session of 2022

INTRODUCED BY BROOKS, LANGERHOLC, COSTA, REGAN, MASTRIANO, KANE
AND J. WARD, APRIL 5, 2022

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED,
APRIL 12, 2022

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. Legislative 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 decade.

14 (2) In 2019, there were 6,763 confirmed and 2,235
15 probable Lyme disease cases reported in this Commonwealth,
16 according to data released by the Centers for Disease Control
17 and Prevention. This is an incidence rate of 52.8 in 2019 and
18 62.3 over three years.

1 (3) From 2000 to 2021, there have been more than 110,000
2 confirmed Lyme disease cases in this Commonwealth, but due to
3 the fact that the Centers for Disease Control and
4 Prevention's number only represents confirmed cases, the
5 actual number of Lyme disease cases may be far greater. These
6 numbers continue to increase and Pennsylvania is categorized
7 as a "high incidence" area.

8 (4) In July 2021, the Department of Environmental
9 Protection, the Department of Conservation and Natural
10 Resources and the Physician General discussed the high
11 incidence in Pennsylvania resulting in high prevalence of
12 ticks and confirmed a high risk of Lyme disease in every
13 county of this Commonwealth. The Department of Environmental
14 Protection collected two times more blacklegged tick nymphs
15 in 2021 compared to 2020 and stated that the blacklegged tick
16 is present in all 67 counties in this Commonwealth.

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

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

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

28 (8) There are multiple diagnostic and treatment
29 guidelines for diagnosis and treatment of Lyme disease and
30 tick-borne illness.

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

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

8 (11) In 2014, the Massachusetts Center for Health and
9 Information Analysis found little to no increase in insurance
10 costs as a result of expanding coverage to include longer-
11 term courses of antibiotics. The expansion by fully insured
12 health plans was projected to result in an average annual
13 increase, over five years, to the typical member's monthly
14 health insurance premiums of between a negligible amount and
15 13¢ per year.

16 Section 3. Legislative purpose.

17 The purposes of this act are:

18 (1) To promote the education and awareness of Lyme and
19 other tick-borne diseases and illnesses among health care
20 professionals.

21 (2) To substantially reduce the incidence of tick-borne
22 diseases and illnesses by providing insurance coverage for
23 diagnostic testing and treatment.

24 (3) To eliminate, or at the very least, significantly
25 reduce the number of confirmed Lyme disease cases and related
26 tick-borne illnesses in this Commonwealth.

27 (4) To promote the availability of tick testing to aid
28 in determining a clinical diagnosis.

29 (5) To promote the availability of diagnostic testing
30 and antibiotic therapies for patients by licensed health care

1 professionals.

2 (6) To improve public awareness of Lyme disease and
3 related tick-borne illnesses and educate the public about
4 tick bite prevention practices that can reduce the incidence
5 and prevalence of ticks in this Commonwealth.

6 Section 4. Definitions.

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

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

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

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

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

30 "Related tick-borne illness." The presence of signs or

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

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

13 Section 5. Treatment.

14 (a) Testing and therapy.--A health care professional may
15 order diagnostic testing and prescribe, administer or dispense
16 antibiotic therapy of the duration the licensed health care
17 professional determines appropriate for the patient, for the
18 therapeutic purpose of eliminating or controlling a patient's
19 infection or symptoms upon making a clinical diagnosis that the
20 patient has Lyme disease or a related tick-borne illness or
21 displays symptoms consistent with a clinical diagnosis of Lyme
22 disease or related tick-borne illnesses and by documenting the
23 diagnosis and treatment in the patient's medical records.

24 (b) Report.--For the purpose of advancing tick-borne
25 diseases and illness research and documenting the incidence and
26 prevalence across Pennsylvania, the attending health care
27 professional shall consult and report to the Statewide registry
28 when making a clinical diagnosis.

29 Section 6. Duties of department.

30 (a) Comprehensive educational program.--The department shall

1 conduct an annual public information campaign to inform each
2 licensed physician, physician's assistant, certified registered
3 nurse and other health care professionals of the requirements of
4 this act.

5 (b) Distribution of literature about Lyme disease and
6 related tick-borne illnesses.--The department shall provide
7 educational material in accordance with the following:

8 (1) The department shall provide culturally and
9 linguistically appropriate educational materials regarding
10 Lyme disease and related tick-borne illnesses, prevention of
11 disease and illness, treatment for disease and illness,
12 surveillance research and, when appropriate, the requirements
13 of this act.

14 (2) Educational materials shall be available at no cost
15 and shall be developed for specific audiences, including
16 health care professionals, patients and the general public.

17 (c) Statewide registry.--The department shall partner with
18 the Tick Research Lab of Pennsylvania at East Stroudsburg
19 University to develop an electronic database for use by the Tick
20 Research Lab, the department and health care professionals. The
21 database shall include the following nonidentifiable patient
22 information submitted to the department:

23 (1) From the Tick Research Lab of Pennsylvania, tick
24 testing information, including the results of the testing and
25 the zip code and county location of where the tick was
26 extracted.

27 (2) From the attending health care professional,
28 information, including diagnostic testing information and
29 testing results, confirmed or suspected patient diagnosis and
30 surveillance criteria applied to determine the confirmed or

1 suspected patient diagnosis.

2 Section 7. Lyme Disease Testing Coverage.

3 (a) General rule.--A health insurance policy or government
4 program under this section shall provide to covered individuals
5 or recipients who are seeking treatment in accordance with
6 section 5 for Lyme disease or related tick-borne illness the
7 following coverage:

8 (1) All diagnostic testing ordered by the patient's
9 attending health care professional. This includes testing of
10 all bands on the western blot test for the purposes of a
11 clinical diagnosis and determining appropriate treatment.

12 (2) Tick testing when ordered by the patient's attending
13 health care professional.

14 (3) The prescribed treatment for Lyme disease or related
15 tick-borne illnesses if the clinical diagnosis and treatment
16 plan are documented in the patient's medical record.
17 Treatment plans may include short-term or long-term durations
18 of antibiotic or antimicrobial treatments, including both
19 oral or intravenous, as prescribed by the patient's attending
20 health care professional.

21 ~~(4) Longer term antibiotic treatment otherwise~~ <--
22 ~~ineligible solely because the treatment may be characterized~~
23 ~~as unproven, experimental or investigational in nature for~~
24 ~~the treatment of Lyme disease and related tick borne~~
25 ~~illnesses.~~

26 (b) Copayments, deductibles and coinsurance.--Coverage under
27 this section shall be subject to copayment, deductible and
28 coinsurance provisions and any other general exclusions or
29 limitations of a health insurance policy or government program
30 to the same extent as other medical services covered by the

1 policy or program are subject to these provisions.

2 (c) Construction.--This section does not limit benefits
3 which are otherwise available to an individual under a health
4 insurance policy or government program.

5 (d) Applicability.--This section shall apply as follows:

6 (1) This section shall apply to any health insurance
7 policy offered, issued or renewed on or after July 1, 2023,
8 in this Commonwealth to groups of 51 or more employees. This
9 section may not apply to any of the following policies:

10 (i) A hospital indemnity policy.

11 (ii) An accident-only policy.

12 (iii) A specified disease policy.

13 (iv) A long-term care or disability income policy.

14 (v) A credit-only policy.

15 (vi) A dental-only policy.

16 (vii) A vision-only policy.

17 (viii) A Medicare or supplement policy.

18 (ix) A federally funded plan, including TRICARE,
19 formerly CHAMPUS, covering military personnel and
20 dependents, Veterans Administration and the Federal
21 Employees Health Benefit Plan.

22 (x) Self-insured plans, subject to Federal law.

23 (xi) An automobile medical payment policy.

24 (xii) A fixed indemnity policy.

25 (xiii) Another similar policy providing for limited
26 benefits.

27 (2) This section shall apply to each contract executed
28 on or after July 1, 2023, by the adult basic coverage
29 insurance program established under Chapter 13 of the act of
30 June 26, 2001 (P.L.755, No.77), known as the Tobacco

1 Settlement Act, under Article XXIII-A of the act of May 17,
2 1921 (P.L.682, No.284), known as The Insurance Company Law of
3 1921, or by any successor program.

4 (3) On January 1, 2025, insurers shall make a report to
5 the Insurance Department, in a form and manner as determined
6 by the department, to evaluate the implementation of this
7 section.

8 Section 8. Implementation.

9 Section 7 shall apply as follows:

10 (1) For health insurance policies for which either rates
11 or forms are required to be filed with the Federal Insurance
12 Office, this act shall apply to any policy for which a form
13 or rate is first filed on or after the effective date of this
14 section.

15 (2) For health insurance policies for which neither
16 rates nor forms are required to be filed with the Federal
17 Insurance Office, this act shall apply to any policy issued
18 or renewed on or after 180 days after the effective date of
19 this section.

20 Section 9. Regulations.

21 The department shall promulgate rules and regulations to
22 administer and enforce this act.

23 Section 10. Effective date.

24 This act shall take effect in 60 days.