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An Act Concerning the Use of Long-term Antibiotics for the Treatment of Lyme Disease

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 24 MRSA §2317-B, sub-§9-A is enacted to read:

9-A. Title 24-A, sections 2745-H, 2837-I and 4244-A. Coverage for certain Lyme disease treatments, Title 24-A, sections 2745-H, 2837-I and 4244-A;

Sec. A-2. 24-A MRSA §2745-H is enacted to read:

§ 2745-H. Coverage for certain Lyme disease treatments

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Long-term antibiotic therapy" means the use of oral, intramuscular or intravenous antibiotics, singly or in combination, for periods of greater than 4 weeks.

B. "Lyme disease" means the clinical diagnosis by a physician of the presence in a patient of signs and symptoms compatible with acute infection with *Borrelia burgdorferi*, or with late stage or chronic infection with *Borrelia burgdorferi*, or with complications related to such an infection. "Lyme disease" includes infection that meets the surveillance criteria set forth by the United States Centers for Disease Control and Prevention but also includes other acute and chronic manifestations of such an infection as determined by the physician.

2. Required coverage. All individual health insurance policies and contracts must provide coverage for diagnostic testing and long-term antibiotic therapy treatment of Lyme disease when determined to be medically necessary and ordered by a physician acting in accordance with Title 32, section 3300-B after making a thorough evaluation of the patient's symptoms, diagnostic test results and response to treatment. Treatment otherwise eligible for benefits pursuant to this section may not be denied solely because such treatment might be characterized as unproven, experimental or investigational in nature.

3. Application. The requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. A-3. 24-A MRSA §2837-I is enacted to read:

§ 2837-I. Coverage for certain Lyme disease treatments

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Long-term antibiotic therapy" means the use of oral, intramuscular or intravenous antibiotics, singly or in combination, for periods of greater than 4 weeks.

B. "Lyme disease" means the clinical diagnosis by a physician of the presence in a patient of signs and symptoms compatible with acute infection with *Borrelia burgdorferi*, or with late stage or chronic infection with *Borrelia burgdorferi*, or with complications related to such an infection. "Lyme disease" includes infection that meets the surveillance criteria set forth by the United States Centers for Disease Control and Prevention but also includes other acute and chronic manifestations of such an infection as determined by the physician.

2. Required coverage. All group health insurance policies and contracts must provide coverage for diagnostic testing and long-term antibiotic therapy treatment of Lyme disease when determined to be medically necessary and ordered by a physician acting in accordance with Title 32, section 3300-B after making a thorough evaluation of the patient's symptoms, diagnostic test results and response to treatment. Treatment otherwise eligible for benefits pursuant to this section may not be denied solely because such treatment might be characterized as unproven, experimental or investigational in nature.

3. Application. The requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. A-4. 24-A MRSA §4244-A is enacted to read:

§ 4244-A. Coverage for certain Lyme disease treatments

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Long-term antibiotic therapy" means the use of oral, intramuscular or intravenous antibiotics, singly or in combination, for periods of greater than 4 weeks.

B. "Lyme disease" means the clinical diagnosis by a physician of the presence in a patient of signs and symptoms compatible with acute infection with *Borrelia burgdorferi*, or with late stage or chronic infection with *Borrelia burgdorferi*, or with complications related to such an infection. "Lyme disease" includes infection that meets the surveillance criteria set forth by the United States Centers for Disease Control and Prevention but also includes other acute and chronic manifestations of such an infection as determined by the physician.

2. Required coverage. All health maintenance organization individual and group contracts must provide coverage for diagnostic testing and long-term antibiotic therapy treatment of Lyme disease when determined to be medically necessary and ordered by a physician acting in accordance with Title

32, section 3300-B after making a thorough evaluation of the patient's symptoms, diagnostic test results and response to treatment. Treatment otherwise eligible for benefits pursuant to this section may not be denied solely because such treatment might be characterized as unproven, experimental or investigational in nature.

3. Application. The requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. A-5. Application. The requirements of this Part apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2011. For purposes of this Part, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

PART B

Sec. B-1. 32 MRSA §3300-B is enacted to read:

§ 3300-B. Lyme disease diagnosis and treatment

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Long-term antibiotic therapy" means the use of oral, intramuscular or intravenous antibiotics, singly or in combination, for periods of greater than 4 weeks.

B. "Lyme disease" means the clinical diagnosis by a physician of the presence in a patient of signs and symptoms compatible with acute infection with *Borrelia burgdorferi*, or with late stage or chronic infection with *Borrelia burgdorferi*, or with complications related to such an infection. "Lyme disease" includes infection that meets the surveillance criteria set forth by the United States Centers for Disease Control and Prevention but also includes other acute and chronic manifestations of such an infection as determined by the physician.

C. "Therapeutic purpose" means the use of antibiotics to control a patient's symptoms determined by the physician as reasonably related to Lyme disease and its sequelae.

2. Long-term antibiotic therapy. A physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose to a person diagnosed with and having symptoms of Lyme disease if this diagnosis and treatment plan has been documented in the physician's medical record for that patient. A physician may not be subject to disciplinary action by the board solely for prescribing, administering or dispensing long-term antibiotic therapy for a therapeutic purpose for a patient clinically diagnosed with Lyme disease if this diagnosis and treatment plan has been documented in the physician's medical record for that patient. This subsection may not be construed to prohibit the right of the board to deny, revoke or suspend the license of any physician or discipline any physician who prescribes, administers or dispenses long-term antibiotic therapy for a nontherapeutic purpose, who

fails to monitor the ongoing care of a patient receiving long-term antibiotic therapy or who fails to keep complete and accurate ongoing records of the diagnosis and treatment of a patient receiving long-term antibiotic therapy.

SUMMARY

Part A of the bill requires health insurance companies to provide coverage for long-term antibiotic therapy for patients with Lyme disease in all individual and group health insurance policies. The health insurance provisions apply to all policies issued or renewed on or after January 1, 2011.

Part B of the bill provides protection from a licensing disciplinary action for physicians that prescribe, administer or dispense long-term antibiotic therapy to patients with Lyme disease.