

HOUSE No. 3768

By Mr. Webster of Hanson, petition of Daniel K. Webster and Cleon H. Turner relative to promoting education and access to medical care for persons with Lyme disease. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROMOTING EDUCATION AND ACCESS TO MEDICAL CARE FOR PERSONS WITH LYME DISEASE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws is hereby amended by inserting
2 after section 116A the following section:—

3 Section 116B. As used in this section, the following terms shall
4 have the following meanings:—

5 “Board” the board of registration in medicine.

6 “Lyme disease” the clinical diagnosis by a physician of the pres-
7 ence in a patient of signs and symptoms compatible with acute infec-
8 tion with *Borrelia burgdorferi*, or with late stage or chronic infection
9 with *Borrelia burgdorferi*, or with complications related to such an
10 infection.

11 “Lyme disease” includes infection which meets the surveillance
12 criteria set forth by the US Centers for Disease Control and Preven-
13 tion but also includes other acute and chronic manifestations of such
14 an infection as determined by the physician;

15 “Physician” a person so licensed under Section 2 of Chapter 112.
16 This section shall also apply to nurse practitioners and physician
17 assistants directly supervised by a physician

18 “Long-term antibiotic treatment” the administration of oral or
19 parenteral antibiotics, singularly or in combination, for periods
20 greater than 4 weeks.

21 a) A physician may prescribe antibiotics for a patient diagnosed
22 with Lyme disease, if this diagnosis and treatment plan is docu-
23 mented in the medical record for that patient. No physician is sub-
24 ject to disciplinary action by the board solely for prescribing

25 long-term antibiotic treatment for a patient clinically diagnosed with
26 Lyme disease, if this diagnosis and treatment plan is documented in
27 the medical record for that patient.

28 b) Nothing in this section precludes the right of the board to deny,
29 revoke, or suspend the license of any physician, or discipline any
30 physician, who prescribes long-term antibiotic treatment for a non-
31 therapeutic purpose, or who fails to monitor the ongoing care of a
32 patient receiving long-term antibiotic treatment, or who fails to keep
33 complete and accurate records of the diagnosis and treatment of a
34 patient receiving long-term antibiotic treatment.

35 The department shall provide statewide Lyme disease education
36 for physicians, schools and the general public. The department shall
37 promote detection prevention and treatment programs for tick-borne
38 diseases and work with graduate medical and nursing programs and
39 establish an appropriate curriculum. The department shall perform
40 cost-benefit analyses on insurance coverage of long term antibiotic
41 care for Lyme disease patients. The department shall promulgate
42 regulations for the lab detection of Lyme disease, for the state of art
43 testing protocol and shall develop clinical provider training pro-
44 grams for the assessment and treatment of tick-borne illnesses.