ATTACHMENT J

July 8, 2016

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Sections 108, 111, 113 and 115 of House Bill No. 4450, “An Act Making Appropriations for the Fiscal Year 2017 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Sections 108, 111, 113, and 115 require private health insurance companies, non-profit hospital service corporations, medical service corporations, and health maintenance organizations to cover long-term antibiotic therapies when deemed medically necessary by a physician, and experimental drugs for off-label uses for the treatment of Lyme Disease. Section 200 proposes to sunset this requirement on July 1, 2021.

While I support comprehensive coverage and access to Lyme Disease treatment, long-term antibiotic therapy is not clinically recognized as an appropriate form of treatment. Further, requiring coverage of experimental drugs for off-label use sets a concerning precedent. Finally, given the cost implications of this requirement, the commonwealth, employers, and insurers need time to assess and prepare for the fiscal impact of this proposal. For this reason, I am also amending section 201 to have these sections, as amended, take effect on January 1, 2017.

For these reasons, I recommend that Section 108 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 108. Chapter 175 of the General Laws is hereby amended by inserting after section 47GG the following section:-

Section 47HH. (a) For the purposes of this section, “Long-term antibiotic therapy” and “Lyme disease” shall have the same meaning as ascribed to them in section 12DD of chapter 112.

(b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth that provides medical expense coverage shall provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a board certified rheumatologist, infectious disease specialist or neurologist after making a thorough evaluation of the patient’s symptoms, diagnostic test results, or response to treatment;

and that Section 111 be amended by striking out the text and inserting in place thereof the following text:

SECTION 111. Chapter 176A of the General Laws is hereby amended by inserting after section 8II the following section:-

Section 8JJ. (a) For the purposes of this section, “Long-term antibiotic therapy” and “Lyme disease” shall have the same meaning as ascribed to them in section 12DD of chapter 112.

(b) A contract between a subscriber and the corporation under an individual or group hospital service plan that is delivered, issued or renewed within the commonwealth shall provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a board certified rheumatologist, infectious disease specialist or neurologist after making a thorough evaluation of the patient’s symptoms, diagnostic test results, or response to treatment;

and that Section 113 be amended by striking out the text and inserting in place thereof the following text:

SECTION 113. Chapter 176B of the General Laws is hereby amended by inserting after section 4II the following section:-

Section 4JJ. (a) For the purposes of this section, “Long-term antibiotic therapy” and “Lyme disease” shall have the same meaning as ascribed to them in section 12DD of chapter 112.

(b) A subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth shall provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a board certified rheumatologist, infectious disease specialist or neurologist after making a thorough evaluation of the patient’s symptoms, diagnostic test results, or response to treatment;

and that Section 115 be amended by striking out the text and inserting in place thereof the following text:

SECTION 115. Chapter 176G of the General Laws is hereby amended by inserting after section 4AA the following section:-

Section 4BB. (a) For the purposes of this section, “Long-term antibiotic therapy” and “Lyme disease” shall have the same meaning as ascribed to them in section 12DD of chapter 112.

(b) An individual or group health maintenance contract shall provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a board certified rheumatologist, infectious disease specialist or neurologist after making a thorough evaluation of the patient’s symptoms, diagnostic test results, or response to treatment.

Respectfully submitted,