

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Require Health Insurance Coverage for
the Treatment and Diagnosis of Lyme Disease'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

PART A

Sec. A-1. 24 MRSA §2317-B, sub-§12-C is enacted to read:

12-C. 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. Required coverage. All individual health insurance policies and contracts must provide coverage for diagnostic testing and long-term antibiotic treatment of chronic 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.

2. 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. Required coverage. All group health insurance policies and contracts must provide coverage for diagnostic testing and long-term antibiotic treatment of chronic 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.

2. 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. Required coverage. All health maintenance organization individual and group contracts must provide coverage for diagnostic testing and long-term antibiotic treatment of chronic 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.

2. 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. 32 MRSA §3300-B is enacted to read:

§ 3300-B. Lyme disease diagnosis and treatment

1. Definitions. For purposes of this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Long-term antibiotic therapy" means administration 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. "Physician" means a person licensed pursuant to this chapter by the board.

D. "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.

Sec. A-6. 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, 2009. For purposes of this Part, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. A-7. Exemption from review. Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Part is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

PART B

Sec. B-1. Public health curriculum in elementary schools. The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall develop a public health education curriculum for all elementary schools in the State related to the prevention, diagnosis and treatment of Lyme disease and other tick-borne illnesses.

Sec. B-2. Wildlife management program. The Department of Inland Fisheries and Wildlife and the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall jointly develop a wildlife management program designed to control the prevalence of ticks in the State. The program must be targeted to those areas in the State with the highest rates of ticks infected with Lyme disease and the highest rates of Lyme disease in Maine residents.

Sec. B-3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Health - Bureau of 0143

Initiative: Appropriates funds for the costs of developing the public health curriculum for Lyme disease and other tick-borne illnesses and for developing a wildlife management program, including the costs of a 0.50 FTE Public Health Educator III position and a 0.20 FTE Clerk IV position.

GENERAL FUND	2007-08	2008-09
POSITIONS - FTE COUNT	0.000	0.700
Personal Services	\$0	\$46,661
All Other	\$0	\$9,587
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GENERAL FUND TOTAL	\$0	\$56,248

SUMMARY

This amendment replaces the bill and is the recommendation of the minority of the committee as a result of the committee's study and review of issues regarding Lyme disease and other tick-borne illnesses between the First Regular Session and Second Regular Session of the 123rd Legislature. Part A of the amendment requires health insurance companies to provide coverage for the treatment of Lyme disease. The mandated coverage applies to all individual and group health insurance policies issued or renewed on or after January 1, 2009.

Part B of the amendment requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to develop a public health curriculum for the awareness and prevention of Lyme disease and other tick-borne illnesses in elementary schools in the State. Part B also requires the Department of Inland Fisheries and Wildlife and the Maine Center for Disease Control and Prevention to develop a wildlife management program to control the prevalence of ticks that transmit Lyme disease in the State. This Part also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED **(See attached)**