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By: Senators Colburn, Dyson, Jacobs, and Stoltzfus Stoltzfus, Hollinger, Conway, Britt, Brochin, Greenip, Grosfeld, Harris, Kittleman, and Pinsky

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs and Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Licensed Physicians – Treatment of Lyme Disease – Discipline – Insurance~~  
 3 ~~Coverage~~  
 4 State Board of Physicians - Information Regarding Lyme Disease and Other  
 5 Tick-Borne Illness

6 FOR the purpose of ~~allowing certain licensed physicians to prescribe or dispense~~  
 7 ~~certain treatment for certain individuals with lyme disease if certain~~  
 8 ~~requirements are met; altering certain circumstances when the State Board of~~  
 9 ~~Physician Quality Assurance may initiate certain disciplinary actions and~~  
 10 ~~professional misconduct proceedings against certain licensed physicians;~~  
 11 ~~requiring the Board to provide certain complaints to certain license physicians~~  
 12 ~~within a certain time; establishing certain criteria for certain charges;~~  
 13 ~~establishing certain requirements for certain notice of certain charges; requiring~~  
 14 ~~certain insurance coverage for certain treatment; defining certain terms;~~  
 15 ~~providing for the application of this Act; and generally relating to discipline and~~  
 16 ~~insurance coverage for licensed physicians who provide treatment for lyme~~  
 17 ~~disease requiring the State Board of Physicians to develop and disseminate a~~  
 18 ~~document to certain licensees regarding certain diagnosis and treatment~~  
 19 ~~information for Lyme disease and other tick-borne illness; requiring the~~  
 20 ~~document developed and disseminated by the Board to include certain~~  
 21 ~~information regarding the use of certain antibiotic or antimicrobial therapy;~~  
 22 ~~requiring the document to be distributed annually; and generally relating to the~~  
 23 ~~development and dissemination of information regarding Lyme disease and~~  
 24 ~~other tick-borne illness.~~

1 BY adding to  
2 Article - Health Occupations  
3 Section 14-508  
4 Annotated Code of Maryland  
5 (2000 Replacement Volume and 2004 Supplement)

6 ~~BY adding to~~  
7 ~~Article - Insurance~~  
8 ~~Section 15-841~~  
9 ~~Annotated Code of Maryland~~  
10 ~~(2002 Replacement Volume and 2004 Supplement)~~

11 ~~BY adding to~~  
12 ~~Article - Health - General~~  
13 ~~Section 19-706(ddd)~~  
14 ~~Annotated Code of Maryland~~  
15 ~~(2000 Replacement Volume and 2004 Supplement)~~

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Health Occupations**

19 14-508.

20 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
21 ~~INDICATED.~~

22 (2) (1) ~~"CLINICAL DIAGNOSIS" MEANS THE OBSERVATION OF SIGNS~~  
23 ~~AND SYMPTOMS COMPATIBLE WITH ACUTE INFECTION OR OTHER CHRONIC~~  
24 ~~MANIFESTATIONS OF LYME DISEASE BY A LICENSED PHYSICIAN.~~

25 (H) ~~"CLINICAL DIAGNOSIS" INCLUDES THE OBSERVATION OF~~  
26 ~~SURVEILLANCE CRITERIA SET FORTH BY THE UNITED STATES CENTERS FOR~~  
27 ~~DISEASE CONTROL AND PREVENTION.~~

28 (3) (1) ~~"LONG TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY"~~  
29 ~~MEANS THE ADMINISTRATION OF ORAL, INTRAMUSCULAR, OR INTRAVENOUS~~  
30 ~~ANTIBIOTICS OR ANTIMICROBIAL MEDICATIONS FOR A PERIOD GREATER THAN 4~~  
31 ~~WEEKS.~~

32 (H) ~~"LONG TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY"~~  
33 ~~INCLUDES SEPARATE AND COMBINATION ADMINISTRATION OF ANTIBIOTIC AND~~  
34 ~~ANTIMICROBIAL MEDICATIONS.~~

35 (4) ~~"LYME DISEASE" MEANS AN ACUTE INFECTION WITH BORRELIA~~  
36 ~~BURGDORFERI OR RELATED BORRELIOSIS.~~

1           (5)     ~~"RELATED TICK BORNE ILLNESS" MEANS BARTONELLOSIS,~~  
2 ~~BABESIOSIS, OR PIROPLASMOSIS, OR OTHER TICK TRANSMITTABLE ILLNESS THAT~~  
3 ~~MAY BE ASSOCIATED WITH LYME DISEASE.~~

4           (6)     ~~"THERAPEUTIC PURPOSE" MEANS THE USE OF ANTIBIOTICS TO~~  
5 ~~CONTROL THE SYMPTOMS OF LYME DISEASE AND OTHER RELATED TICK BORNE~~  
6 ~~ILLNESSES AFTER CLINICAL DIAGNOSIS.~~

7     ~~(B)     IF AN INDIVIDUAL'S CLINICAL DIAGNOSIS AND TREATMENT PLAN ARE~~  
8 ~~DOCUMENTED IN THE INDIVIDUAL'S MEDICAL RECORD, A LICENSED PHYSICIAN MAY~~  
9 ~~PRESCRIBE OR DISPENSE LONG TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY~~  
10 ~~FOR THERAPEUTIC PURPOSES TO THE INDIVIDUAL.~~

11     ~~(C)     IF A LICENSED PHYSICIAN PRESCRIBES OR DISPENSES LONG TERM~~  
12 ~~ANTIBIOTIC OR ANTIMICROBIAL THERAPY UNDER SUBSECTION (B) OF THIS SECTION,~~  
13 ~~THE LICENSED PHYSICIAN MAY NOT BE SUBJECT TO A PROFESSIONAL MISCONDUCT~~  
14 ~~PROCEEDING OR A DISCIPLINARY ACTION BY THE BOARD.~~

15     ~~(D)     THIS SECTION DOES NOT PROHIBIT THE BOARD FROM DENYING,~~  
16 ~~REVOKING, OR SUSPENDING A LICENSE, DISCIPLINING, OR INITIATING A~~  
17 ~~PROFESSIONAL MISCONDUCT PROCEEDING AGAINST A LICENSED PHYSICIAN:~~

18           ~~(1)     FOR PRESCRIBING OR DISPENSING LONG TERM ANTIBIOTIC OR~~  
19 ~~ANTIMICROBIAL THERAPY FOR A NONTHERAPEUTIC PURPOSE;~~

20           ~~(2)     FOR FAILING TO MONITOR THE ONGOING CARE OF AN INDIVIDUAL~~  
21 ~~RECEIVING LONG TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY; OR~~

22           ~~(3)     FOR FAILING TO KEEP COMPLETE AND ACCURATE RECORDS OF THE~~  
23 ~~CLINICAL DIAGNOSIS AND TREATMENT OF AN INDIVIDUAL RECEIVING LONG TERM~~  
24 ~~ANTIBIOTIC OR ANTIMICROBIAL THERAPY.~~

25     ~~(E)     (1)     IF THE BOARD INITIATES A PROFESSIONAL MISCONDUCT~~  
26 ~~PROCEEDING AGAINST A LICENSED PHYSICIAN BASED ON A COMPLAINT FILED BY~~  
27 ~~AN INSURANCE COMPANY, PHARMACY BENEFIT MANAGER, OR COMPREHENSIVE~~  
28 ~~HEALTH SERVICES PLAN THAT WHOLLY OR PARTLY CONCERNS THE CLINICAL~~  
29 ~~DIAGNOSIS OR TREATMENT OF LYME DISEASE OR OTHER RELATED TICK BORNE~~  
30 ~~ILLNESS, THE BOARD SHALL PROVIDE A COPY OF THE COMPLAINT TO THE LICENSED~~  
31 ~~PHYSICIAN WITHIN 10 DAYS AFTER RECEIVING THE LICENSED PHYSICIAN'S~~  
32 ~~REQUEST.~~

33           ~~(2)     IF CHARGES FOR PROFESSIONAL MISCONDUCT ARE FILED THAT~~  
34 ~~WHOLLY OR PARTLY CONCERN THE CLINICAL DIAGNOSIS OR TREATMENT OF LYME~~  
35 ~~DISEASE OR A RELATED TICK BORNE ILLNESS, THE CHARGES SHALL CONTAIN A~~  
36 ~~STATEMENT OF FACTS SUFFICIENT TO ALLOW A JUDICIAL DETERMINATION ON~~  
37 ~~WHETHER THE CHARGES ARE PROPER UNDER THIS SECTION.~~

38           ~~(3)     NOTICE OF CHARGES FOR PROFESSIONAL MISCONDUCT THAT~~  
39 ~~WHOLLY OR PARTLY CONCERN THE CLINICAL DIAGNOSIS OR TREATMENT OF LYME~~  
40 ~~DISEASE OR A RELATED TICK BORNE ILLNESS, SHALL INCLUDE THE IDENTITY OF~~

~~1 THE EXPERTS CONSULTED BY THE BOARD OR WHO WILL BE CALLED TO TESTIFY BY  
2 THE BOARD AND THE SUBSTANCE OF EACH EXPERT'S OPINION.~~

3

~~Article—Insurance~~

~~4 15-841.~~

~~5 (A) THIS SECTION APPLIES TO:~~

~~6 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE  
7 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN  
8 EXPENSE INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS  
9 THAT ARE ISSUED OR DELIVERED IN THE STATE; AND~~

~~10 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL,  
11 MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS  
12 THAT ARE ISSUED OR DELIVERED IN THE STATE.~~

~~13 (B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR  
14 THE LONG-TERM ANTIBIOTIC AND ANTIMICROBIAL TREATMENT OF LYME DISEASE  
15 AND RELATED TICK BORNE ILLNESSES AS PROVIDED FOR UNDER § 14-508(B) OF THE  
16 HEALTH OCCUPATIONS ARTICLE.~~

17

~~Article—Health—General~~

~~18 19-706.~~

~~19 (DDD) THE PROVISIONS OF § 15-841 OF THE INSURANCE ARTICLE SHALL APPLY  
20 TO HEALTH MAINTENANCE ORGANIZATIONS.~~

~~21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
22 applicable disciplinary actions and professional misconduct proceedings pending on or  
23 before the effective date of this Act and all proceedings initiated thereafter.~~

~~24 (A) THE BOARD SHALL DEVELOP AND DISSEMINATE A DOCUMENT TO ALL  
25 LICENSEES REGARDING THE MOST RECENT DIAGNOSIS AND TREATMENT  
26 INFORMATION FOR LYME DISEASE AND OTHER RELATED TICK-BORNE ILLNESS.~~

~~27 (B) THE DOCUMENT DEVELOPED AND DISSEMINATED UNDER SUBSECTION  
28 (A) OF THIS SECTION SHALL:~~

~~29 (1) INCLUDE THE MOST RECENT INFORMATION REGARDING THE USE OF  
30 LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY; AND~~

~~31 (2) BE DISTRIBUTED ANNUALLY.~~

~~32 SECTION 3-2. AND BE IT FURTHER ENACTED, That this Act shall take  
33 effect July 1, 2005.~~

