

HOUSE BILL 399

J1, J2

6lr0642
CF 6lr2222

By: **Delegates Afzali and K. Young**

Introduced and read first time: January 28, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Lyme Disease – Laboratory Test – Required Notice**

3 FOR the purpose of requiring certain health care providers to provide a certain notice to a
4 patient for whom the health care provider orders a laboratory test for the presence
5 of Lyme disease; providing immunity from liability, under certain circumstances, for
6 certain health care providers for providing the notice; and generally relating to
7 laboratory tests for Lyme disease.

8 BY adding to

9 Article – Health – General

10 Section 20–1701 to be under the new subtitle “Subtitle 17. Lyme Disease
11 Information”

12 Annotated Code of Maryland

13 (2015 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 **SUBTITLE 17. LYME DISEASE INFORMATION.**

18 **20–1701.**

19 **(A) A HEALTH CARE PROVIDER LICENSED IN THE STATE SHALL PROVIDE**
20 **THE FOLLOWING NOTICE TO EACH PATIENT FOR WHOM THE HEALTH CARE**
21 **PROVIDER ORDERS A LABORATORY TEST FOR THE PRESENCE OF LYME DISEASE:**

22 **“YOUR HEALTH CARE PROVIDER HAS ORDERED A LABORATORY TEST FOR THE**
23 **PRESENCE OF LYME DISEASE FOR YOU. CURRENT LABORATORY TESTING FOR LYME**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 DISEASE CAN BE PROBLEMATIC AND STANDARD LABORATORY TESTS OFTEN RESULT
2 IN FALSE NEGATIVE AND FALSE POSITIVE RESULTS AND, IF DONE TOO EARLY, YOU
3 MAY NOT HAVE PRODUCED ENOUGH ANTIBODIES TO BE CONSIDERED POSITIVE
4 BECAUSE YOUR IMMUNE RESPONSE REQUIRES TIME TO DEVELOP ANTIBODIES. IF
5 YOU ARE TESTED FOR LYME DISEASE AND THE RESULTS ARE NEGATIVE, THIS DOES
6 NOT NECESSARILY MEAN YOU DO NOT HAVE LYME DISEASE. IF YOU CONTINUE TO
7 EXPERIENCE UNEXPLAINED SYMPTOMS, YOU SHOULD CONTACT YOUR HEALTH CARE
8 PROVIDER AND INQUIRE ABOUT THE APPROPRIATENESS OF RETESTING OR
9 ADDITIONAL TREATMENT.”.

10 (B) A HEALTH CARE PROVIDER WHO PROVIDES THE NOTICE REQUIRED BY
11 SUBSECTION (A) OF THIS SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY FOR
12 PROVIDING THE NOTICE UNLESS THE PHYSICIAN ACTS WITH GROSS NEGLIGENCE OR
13 WILLFUL MISCONDUCT.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2016.