

SENATE BILL 793

C3

8lr2303
CF HB 880

By: **Senators Feldman, Astle, Benson, Guzzone, Hershey, Jennings, King, Klausmeier, Lee, Mathias, Oaks, Pinsky, Rosapepe, Smith, Young, and Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Lyme Disease and Related Tick-Borne Illnesses –**
3 **Long-Term Antibiotic Treatment**

4 FOR the purpose of requiring certain insurers, nonprofit health service plans, and health
5 maintenance organizations to provide certain coverage for certain long-term
6 antibiotic treatment of Lyme disease and related tick-borne illnesses under certain
7 circumstances; prohibiting an entity subject to this Act from imposing a certain
8 limitation on certain treatment under certain circumstances; prohibiting an entity
9 subject to this Act from denying coverage for certain treatment under certain
10 circumstances; defining certain terms; providing for the application of this Act;
11 providing for a delayed effective date; and generally relating to health insurance
12 coverage for long-term antibiotic treatment for Lyme disease and related tick-borne
13 illnesses.

14 BY adding to
15 Article – Insurance
16 Section 15-853
17 Annotated Code of Maryland
18 (2017 Replacement Volume)

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

21 **Article – Insurance**

22 **15-853.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) “CLINICAL DIAGNOSIS” MEANS THE OBSERVATION BY A LICENSED
4 PHYSICIAN OF SIGNS AND SYMPTOMS COMPATIBLE WITH ACUTE, PERSISTENT, OR
5 CHRONIC INFECTION OR OTHER CHRONIC MANIFESTATIONS OF LYME DISEASE.

6 (3) (I) “LONG-TERM ANTIBIOTIC THERAPY” MEANS THE
7 ADMINISTRATION OF ORAL, INTRAMUSCULAR, OR INTRAVENOUS ANTIBIOTIC
8 MEDICATIONS FOR LONGER THAN 4 WEEKS.

9 (II) “LONG-TERM ANTIBIOTIC THERAPY” INCLUDES SEPARATE
10 AND COMBINATION ADMINISTRATIONS OF ANTIBIOTIC MEDICATIONS.

11 (4) “LYME DISEASE” INCLUDES ONE OR MORE OF THE FOLLOWING:

12 (I) THE CLINICAL DIAGNOSIS OF A PATIENT BY A LICENSED
13 PHYSICIAN OF THE PRESENCE OF SIGNS OR SYMPTOMS COMPATIBLE WITH AN ACUTE
14 INFECTION WITH *BORRELIA BURGDORFERI*;

15 (II) LATE-STAGE, PERSISTENT, OR CHRONIC INFECTION WITH
16 *BORRELIA BURGDORFERI*;

17 (III) COMPLICATIONS RELATED TO AN INFECTION WITH
18 *BORRELIA BURGDORFERI*;

19 (IV) AN INFECTION BY OTHER STRAINS OF *BORRELIA* THAT
20 BECOME IDENTIFIED OR RECOGNIZED BY THE CENTERS FOR DISEASE CONTROL
21 AND PREVENTION AS A CAUSE OF LYME DISEASE;

22 (V) AN INFECTION THAT MEETS THE SURVEILLANCE CRITERIA
23 FOR LYME DISEASE SET FORTH BY THE CENTERS FOR DISEASE CONTROL AND
24 PREVENTION; OR

25 (VI) A CLINICAL DIAGNOSIS OF LYME DISEASE THAT DOES NOT
26 MEET THE SURVEILLANCE CRITERIA SET FORTH BY THE CENTERS FOR DISEASE
27 CONTROL AND PREVENTION BUT PRESENTS OTHER ACUTE, PERSISTENT, OR
28 CHRONIC SIGNS OR SYMPTOMS OF LYME DISEASE AS DETERMINED BY A LICENSED
29 PHYSICIAN, WHETHER THAT DIAGNOSIS IS BASED ON KNOWLEDGE OBTAINED
30 THROUGH MEDICAL HISTORY AND PHYSICAL EXAMINATION ONLY OR IN
31 CONJUNCTION WITH TESTING THAT PROVIDES SUPPORTIVE DATA OF THE
32 DIAGNOSIS.

1 **(5) “RELATED TICK-BORNE ILLNESS” MEANS BARTONELLOSIS,**
2 **BABESIOSIS, EHRLICHIOSIS, ANAPLASMOSIS, PIROPLASMOSIS, OR ANY OTHER**
3 **TICK-TRANSMITTABLE ILLNESS THAT 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**
6 **TICK-TRANSMITTABLE ILLNESSES.**

7 **(B) THIS SECTION APPLIES TO:**

8 **(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
9 **PROVIDE HOSPITAL, MEDICAL, SURGICAL, OR PHARMACEUTICAL BENEFITS TO**
10 **INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS UNDER A HEALTH**
11 **INSURANCE POLICY OR CONTRACT ISSUED OR DELIVERED IN THE STATE; AND**

12 **(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE**
13 **HOSPITAL, MEDICAL, SURGICAL, OR PHARMACEUTICAL BENEFITS TO INDIVIDUALS**
14 **OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

15 **(C) IF THE LONG-TERM ANTIBIOTIC TREATMENT OF LYME DISEASE AND**
16 **RELATED TICK-BORNE ILLNESSES HAS BEEN ORDERED BY A LICENSED TREATING**
17 **PHYSICIAN FOR THERAPEUTIC PURPOSES, AN ENTITY SUBJECT TO THIS SECTION:**

18 **(1) SHALL PROVIDE COVERAGE FOR THE FULL LENGTH OF THE**
19 **LONG-TERM ANTIBIOTIC TREATMENT TO BE ADMINISTERED IN THE MANNER**
20 **PRESCRIBED BY THE LICENSED TREATING PHYSICIAN; AND**

21 **(2) MAY NOT IMPOSE A QUANTITATIVE LIMITATION ON THE**
22 **LONG-TERM ANTIBIOTIC TREATMENT.**

23 **(D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT DENY COVERAGE FOR**
24 **TREATMENT OTHERWISE ELIGIBLE FOR BENEFITS UNDER THIS SECTION SOLELY**
25 **BECAUSE THE TREATMENT MAY BE CATEGORIZED AS UNPROVEN, EXPERIMENTAL,**
26 **OR INVESTIGATIONAL IN NATURE.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
28 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
29 after January 1, 2019.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 January 1, 2019.