

# HOUSE BILL 1319

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HB 880/18 – HGO

11r3029

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By: **Delegate Howard**

Introduced and read first time: February 8, 2021

Assigned to: Health and Government Operations

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## 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 15–856  
17 Annotated Code of Maryland  
18 (2017 Replacement Volume and 2020 Supplement)

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 **15–856.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
24 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7                   **(II) “LONG-TERM ANTIBIOTIC THERAPY” INCLUDES SEPARATE**  
8 **AND COMBINATION ADMINISTRATIONS OF ANTIBIOTIC MEDICATIONS.**

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

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

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

15                   **(III) COMPLICATIONS RELATED TO AN INFECTION WITH**  
16 **BORRELIA BURGDORFERI;**

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

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

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

31           **(5) “RELATED TICK-BORNE ILLNESS” MEANS BARTONELLOSIS,**  
32 **BABESIOSIS, EHRLICHIOSIS, ANAPLASMOSIS, PIROPLASMOSIS, OR ANY OTHER**  
33 **TICK-BORNE ILLNESS THAT MAY BE ASSOCIATED WITH LYME DISEASE.**

1           **(6) “THERAPEUTIC PURPOSE” MEANS THE USE OF ANTIBIOTICS TO**  
2 **CONTROL THE SYMPTOMS OF LYME DISEASE AND OTHER RELATED**  
3 **TICK-BORNE ILLNESSES.**

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

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

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

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

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

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

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

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
25 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
26 after January 1, 2022.

27           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 January 1, 2022.