

HOUSE BILL 1244

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HB 1319/21 – HGO

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By: **Delegates Howard, McComas, and Rose**
Introduced and read first time: February 11, 2022
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide certain coverage for the full length of long-term antibiotic treatment of Lyme disease and related tick-borne illnesses under certain circumstances; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from placing a quantitative limit on or denying coverage for benefits required under this Act; and generally relating to health insurance coverage for long-term antibiotic treatment for Lyme disease and related tick-borne illnesses.

BY adding to
Article – Insurance
Section 15-857
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Insurance

15-857.

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

(2) “CLINICAL DIAGNOSIS” MEANS THE OBSERVATION BY A LICENSED PHYSICIAN OF SIGNS AND SYMPTOMS COMPATIBLE WITH ACUTE, PERSISTENT, OR

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



CHRONIC INFECTION OR OTHER CHRONIC MANIFESTATIONS OF LYME DISEASE.

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

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

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

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

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

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

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

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

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

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

(6) “THERAPEUTIC PURPOSE” MEANS THE USE OF ANTIBIOTICS TO

CONTROL THE SYMPTOMS OF LYME DISEASE AND OTHER RELATED TICK-BORNE ILLNESSES.

(B) THIS SECTION APPLIES TO:

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2023.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2023.