

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 422

H.P. 289

House of Representatives, February 12, 2015

An Act To Improve Access to Treatments for Lyme Disease

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: AUSTIN of Gray, MAKER of Calais, O'CONNOR of Berwick, PARRY of
Arundel, POULIOT of Augusta, PRESCOTT of Waterboro, SIROCKI of Scarborough,
Senator: BURNS of Washington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §3282-B** is enacted to read:

3 **§3282-B. Lyme disease treatment**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Clinical diagnosis" means a diagnosis that is based on knowledge obtained
7 through medical history and physical examination of a patient alone or in conjunction
8 with testing that provides supportive data for the diagnosis.

9 B. "Long-term antibiotic therapy" means the prolonged administration of oral,
10 intramuscular or intravenous antibiotics for a period greater than 28 days.

11 C. "Lyme disease" is a condition caused by an infection of the bacterium *Borrelia*
12 *burgdorferi* transmitted to humans through the bite of infected blacklegged ticks.

13 **2. Lyme disease treatment.** The board may not suspend or revoke a license or
14 discipline a licensee under this chapter because the licensee prescribed, administered or
15 dispensed long-term antibiotic therapy pursuant to a treatment plan for a patient clinically
16 diagnosed with acute, persistent or chronic Lyme disease if:

17 A. The clinical diagnosis and treatment plan were made considering the patient's
18 individual circumstance and pursuant to a treatment guideline recommended by the
19 United States Department of Health and Human Services, Centers for Disease
20 Control and Prevention; or

21 B. The licensee used the licensee's best judgment with respect to the particular
22 patient or special clinical situation in the prescription, administration and
23 dispensation of the long-term antibiotic therapy.

24 **SUMMARY**

25 This bill prohibits the Board of Licensure in Medicine from disciplining a physician
26 or revoking or suspending a physician's license for prescribing, administering or
27 dispensing long-term antibiotic therapy to a patient with acute, persistent or chronic
28 Lyme disease if the therapy was pursuant to a treatment plan recommended by the United
29 States Department of Health and Human Services, Centers for Disease Control and
30 Prevention that considered the patient's individual circumstance or was in the best
31 judgment of the physician with respect to the particular patient or special clinical
32 situation.