

# MAINE STATE LEGISLATURE

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Date: 3-24-08

(Filing No. S-481)

**INSURANCE AND FINANCIAL SERVICES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**123RD LEGISLATURE**

**SECOND REGULAR SESSION**

**Minority**

COMMITTEE AMENDMENT "B" to S.P. 825, L.D. 2157, Bill, "An Act To Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses"

Amend the bill by striking out the title and substituting the following:

**'An Act To Require Health Insurance Coverage for the Treatment and Diagnosis of Lyme Disease'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**PART A**

**Sec. A-1. 24 MRSA §2317-B, sub-§12-C** is enacted to read:

12-C. Title 24-A, sections 2745-H, 2837-I and 4244-A. Coverage for certain Lyme disease treatments, Title 24-A, sections 2745-H, 2837-I and 4244-A;

**Sec. A-2. 24-A MRSA §2745-H** is enacted to read:

**§2745-H. Coverage for certain Lyme disease treatments**

1. Required coverage. All individual health insurance policies and contracts must provide coverage for diagnostic testing and long-term antibiotic treatment of chronic Lyme disease when determined to be medically necessary and ordered by a physician acting in accordance with Title 32, section 3300-B after making a thorough evaluation of the patient's symptoms, diagnostic test results and response to treatment. Treatment otherwise eligible for benefits pursuant to this section may not be denied solely because such treatment might be characterized as unproven, experimental or investigational in nature.

**COMMITTEE AMENDMENT**

A. of S.

1 2. Application. The requirements of this section apply to all policies, contracts and  
2 certificates executed, delivered, issued for delivery, continued or renewed in this State.  
3 For purposes of this section, all contracts are deemed to be renewed no later than the next  
4 yearly anniversary of the contract date.

5 **Sec. A-3. 24-A MRSA §2837-I** is enacted to read:

6 **§2837-I. Coverage for certain Lyme disease treatments**

7 1. Required coverage. All group health insurance policies and contracts must  
8 provide coverage for diagnostic testing and long-term antibiotic treatment of chronic  
9 Lyme disease when determined to be medically necessary and ordered by a physician  
10 acting in accordance with Title 32, section 3300-B after making a thorough evaluation of  
11 the patient's symptoms, diagnostic test results and response to treatment. Treatment  
12 otherwise eligible for benefits pursuant to this section may not be denied solely because  
13 such treatment might be characterized as unproven, experimental or investigational in  
14 nature.

15 2. Application. The requirements of this section apply to all policies, contracts and  
16 certificates executed, delivered, issued for delivery, continued or renewed in this State.  
17 For purposes of this section, all contracts are deemed to be renewed no later than the next  
18 yearly anniversary of the contract date.

19 **Sec. A-4. 24-A MRSA §4244-A** is enacted to read:

20 **§4244-A. Coverage for certain Lyme disease treatments**

21 1. Required coverage. All health maintenance organization individual and group  
22 contracts must provide coverage for diagnostic testing and long-term antibiotic treatment  
23 of chronic Lyme disease when determined to be medically necessary and ordered by a  
24 physician acting in accordance with Title 32, section 3300-B after making a thorough  
25 evaluation of the patient's symptoms, diagnostic test results and response to treatment.  
26 Treatment otherwise eligible for benefits pursuant to this section may not be denied  
27 solely because such treatment might be characterized as unproven, experimental or  
28 investigational in nature.

29 2. Application. The requirements of this section apply to all policies, contracts and  
30 certificates executed, delivered, issued for delivery, continued or renewed in this State.  
31 For purposes of this section, all contracts are deemed to be renewed no later than the next  
32 yearly anniversary of the contract date.

33 **Sec. A-5. 32 MRSA §3300-B** is enacted to read:

34 **§3300-B. Lyme disease diagnosis and treatment**

35 1. Definitions. For purposes of this section, unless the context indicates otherwise,  
36 the following terms have the following meanings.

37 A. "Long-term antibiotic therapy" means administration of oral, intramuscular or  
38 intravenous antibiotics, singly or in combination, for periods of greater than 4 weeks.

39 B. "Lyme disease" means the clinical diagnosis by a physician of the presence in a  
40 patient of signs and symptoms compatible with acute infection with Borrelia

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COMMITTEE AMENDMENT "B" to S.P. 825, L.D. 2157

1 burgdorferi, or with late stage or chronic infection with Borrelia burgdorferi, or with  
2 complications related to such an infection. "Lyme disease" includes infection that  
3 meets the surveillance criteria set forth by the United States Centers for Disease  
4 Control and Prevention but also includes other acute and chronic manifestations of  
5 such an infection as determined by the physician.

6 C. "Physician" means a person licensed pursuant to this chapter by the board.

7 D. "Therapeutic purpose" means the use of antibiotics to control a patient's  
8 symptoms determined by the physician as reasonably related to Lyme disease and its  
9 sequelae.

10 **2. Long-term antibiotic therapy.** A physician may prescribe, administer or  
11 dispense long-term antibiotic therapy for a therapeutic purpose to a person diagnosed  
12 with and having symptoms of Lyme disease if this diagnosis and treatment plan has been  
13 documented in the physician's medical record for that patient. A physician may not be  
14 subject to disciplinary action by the board solely for prescribing, administering or  
15 dispensing long-term antibiotic therapy for a therapeutic purpose for a patient clinically  
16 diagnosed with Lyme disease if this diagnosis and treatment plan has been documented in  
17 the physician's medical record for that patient. This subsection may not be construed to  
18 prohibit the right of the board to deny, revoke or suspend the license of any physician or  
19 discipline any physician who prescribes, administers or dispenses long-term antibiotic  
20 therapy for a nontherapeutic purpose, who fails to monitor the ongoing care of a patient  
21 receiving long-term antibiotic therapy or who fails to keep complete and accurate  
22 ongoing records of the diagnosis and treatment of a patient receiving long-term antibiotic  
23 therapy.

24 **Sec. A-6. Application.** The requirements of this Part apply to all policies,  
25 contracts and certificates executed, delivered, issued for delivery, continued or renewed  
26 in this State on or after January 1, 2009. For purposes of this Part, all contracts are  
27 deemed to be renewed no later than the next yearly anniversary of the contract date.

28 **Sec. A-7. Exemption from review.** Notwithstanding the Maine Revised Statutes,  
29 Title 24-A, section 2752, this Part is enacted without review and evaluation by the  
30 Department of Professional and Financial Regulation, Bureau of Insurance.

31 **PART B**

32 **Sec. B-1. Public health curriculum in elementary schools.** The Department  
33 of Health and Human Services, Maine Center for Disease Control and Prevention shall  
34 develop a public health education curriculum for all elementary schools in the State  
35 related to the prevention, diagnosis and treatment of Lyme disease and other tick-borne  
36 illnesses.

37 **Sec. B-2. Wildlife management program.** The Department of Inland Fisheries  
38 and Wildlife and the Department of Health and Human Services, Maine Center for  
39 Disease Control and Prevention shall jointly develop a wildlife management program  
40 designed to control the prevalence of ticks in the State. The program must be targeted to  
41 those areas in the State with the highest rates of ticks infected with Lyme disease and the  
42 highest rates of Lyme disease in Maine residents.





# 123rd MAINE LEGISLATURE

LD 2157

LR 3444(03)

## An Act To Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Insurance and Financial Services

Fiscal Note Required: Yes

### Fiscal Note

Potential future biennium cost increase - General Fund, Other Funds

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$56,248	\$57,863	\$59,534
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$56,248	\$57,863	\$59,534

#### Fiscal Detail and Notes

Provides an appropriation of \$56,248 in 2008-09 for the Maine Center for Disease Control and Prevention for the costs of developing the public health curriculum for Lyme disease and other tick-borne illnesses and for developing a wildlife management program, including the costs of a 0.50 FTE Public Health Educator III position and a 0.20 FTE Clerk IV position.

Assumes additional costs to the State Employee Health Plan would not be incurred until fiscal year 2009-10, but the precise impact cannot be determined at this time.

Any additional costs to the Department of Inland Fisheries and Wildlife and to the Bureau of Insurance in the Department of Professional and Financial Services can be absorbed utilizing existing budgeted resources.