

HOUSE BILL 880

C3

8lr2301
CF 8lr2303

By: Delegates K. Young, Afzali, Angel, Arentz, Barron, Barve, Brooks, Carozza, Carr, Chang, Ciliberti, Folden, Gutierrez, Hettleman, Hornberger, Impallaria, Kelly, Kipke, Kramer, Lisanti, Mautz, McComas, McDonough, Metzgar, Miele, Moon, Morgan, Pena–Melnik, Platt, Robinson, Rose, Sample–Hughes, Shoemaker, Tarlau, Vogt, Waldstreicher, West, Wilkins, and P. Young

Introduced and read first time: February 5, 2018

Assigned to: Health and Government Operations

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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-853.

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

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

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

10 (II) "LONG-TERM ANTIBIOTIC THERAPY" INCLUDES SEPARATE
11 AND COMBINATION ADMINISTRATIONS OF ANTIBIOTIC MEDICATIONS.

12 (4) "LYME DISEASE" INCLUDES ONE OR MORE OF THE FOLLOWING:

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

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

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

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

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

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

1 CONJUNCTION WITH TESTING THAT PROVIDES SUPPORTIVE DATA OF THE
2 DIAGNOSIS.

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

6 (6) "THERAPEUTIC PURPOSE" MEANS THE USE OF ANTIBIOTICS TO
7 CONTROL THE SYMPTOMS OF LYME DISEASE AND OTHER RELATED
8 TICK-TRANSMITTABLE ILLNESSES.

9 (B) THIS SECTION APPLIES TO:

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

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

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

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

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

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

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

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