

---

By: **Senators Colburn, Dyson, Jacobs, and Stoltzfus**  
Introduced and read first time: February 4, 2005  
Assigned to: Education, Health, and Environmental Affairs and Finance

---

A BILL ENTITLED

1 AN ACT concerning

2                           **Licensed Physicians - Treatment of Lyme Disease - Discipline - Insurance**  
3                           **Coverage**

4 FOR the purpose of allowing certain licensed physicians to prescribe or dispense  
5 certain treatment for certain individuals with lyme disease if certain  
6 requirements are met; altering certain circumstances when the State Board of  
7 Physician Quality Assurance may initiate certain disciplinary actions and  
8 professional misconduct proceedings against certain licensed physicians;  
9 requiring the Board to provide certain complaints to certain license physicians  
10 within a certain time; establishing certain criteria for certain charges;  
11 establishing certain requirements for certain notice of certain charges; requiring  
12 certain insurance coverage for certain treatment; defining certain terms;  
13 providing for the application of this Act; and generally relating to discipline and  
14 insurance coverage for licensed physicians who provide treatment for lyme  
15 disease.

16 BY adding to  
17 Article - Health Occupations  
18 Section 14-508  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2004 Supplement)

21 BY adding to  
22 Article - Insurance  
23 Section 15-841  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2004 Supplement)

26 BY adding to  
27 Article - Health - General  
28 Section 19-706(ddd)  
29 Annotated Code of Maryland  
30 (2000 Replacement Volume and 2004 Supplement)

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

3 **Article - Health Occupations**

4 14-508.

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

7 (2) (I) "CLINICAL DIAGNOSIS" MEANS THE OBSERVATION OF SIGNS  
8 AND SYMPTOMS COMPATIBLE WITH ACUTE INFECTION OR OTHER CHRONIC  
9 MANIFESTATIONS OF LYME DISEASE BY A LICENSED PHYSICIAN.

10 (II) "CLINICAL DIAGNOSIS" INCLUDES THE OBSERVATION OF  
11 SURVEILLANCE CRITERIA SET FORTH BY THE UNITED STATES CENTERS FOR  
12 DISEASE CONTROL AND PREVENTION.

13 (3) (I) "LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY"  
14 MEANS THE ADMINISTRATION OF ORAL, INTRAMUSCULAR, OR INTRAVENOUS  
15 ANTIBIOTICS OR ANTIMICROBIAL MEDICATIONS FOR A PERIOD GREATER THAN 4  
16 WEEKS.

17 (II) "LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY"  
18 INCLUDES SEPARATE AND COMBINATION ADMINISTRATION OF ANTIBIOTIC AND  
19 ANTIMICROBIAL MEDICATIONS.

20 (4) "LYME DISEASE" MEANS AN ACUTE INFECTION WITH BORRELIA  
21 BURGENDORFERI OR RELATED BORRELIOSIS.

22 (5) "RELATED TICK-BORNE ILLNESS" MEANS BARTONELLOSIS,  
23 BABESIOSIS, OR PIROPLASMOSIS, OR OTHER TICK-TRANSMITTABLE ILLNESS THAT  
24 MAY BE ASSOCIATED WITH LYME DISEASE.

25 (6) "THERAPEUTIC PURPOSE" MEANS THE USE OF ANTIBIOTICS TO  
26 CONTROL THE SYMPTOMS OF LYME DISEASE AND OTHER RELATED TICK-BORNE  
27 ILLNESSES AFTER CLINICAL DIAGNOSIS.

28 (B) IF AN INDIVIDUAL'S CLINICAL DIAGNOSIS AND TREATMENT PLAN ARE  
29 DOCUMENTED IN THE INDIVIDUAL'S MEDICAL RECORD, A LICENSED PHYSICIAN MAY  
30 PRESCRIBE OR DISPENSE LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY  
31 FOR THERAPEUTIC PURPOSES TO THE INDIVIDUAL.

32 (C) IF A LICENSED PHYSICIAN PRESCRIBES OR DISPENSES LONG-TERM  
33 ANTIBIOTIC OR ANTIMICROBIAL THERAPY UNDER SUBSECTION (B) OF THIS SECTION,  
34 THE LICENSED PHYSICIAN MAY NOT BE SUBJECT TO A PROFESSIONAL MISCONDUCT  
35 PROCEEDING OR A DISCIPLINARY ACTION BY THE BOARD.

1 (D) THIS SECTION DOES NOT PROHIBIT THE BOARD FROM DENYING,  
2 REVOKING, OR SUSPENDING A LICENSE, DISCIPLINING, OR INITIATING A  
3 PROFESSIONAL MISCONDUCT PROCEEDING AGAINST A LICENSED PHYSICIAN:

4 (1) FOR PRESCRIBING OR DISPENSING LONG-TERM ANTIBIOTIC OR  
5 ANTIMICROBIAL THERAPY FOR A NONTHERAPEUTIC PURPOSE;

6 (2) FOR FAILING TO MONITOR THE ONGOING CARE OF AN INDIVIDUAL  
7 RECEIVING LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY; OR

8 (3) FOR FAILING TO KEEP COMPLETE AND ACCURATE RECORDS OF THE  
9 CLINICAL DIAGNOSIS AND TREATMENT OF AN INDIVIDUAL RECEIVING LONG-TERM  
10 ANTIBIOTIC OR ANTIMICROBIAL THERAPY.

11 (E) (1) IF THE BOARD INITIATES A PROFESSIONAL MISCONDUCT  
12 PROCEEDING AGAINST A LICENSED PHYSICIAN BASED ON A COMPLAINT FILED BY  
13 AN INSURANCE COMPANY, PHARMACY BENEFIT MANAGER, OR COMPREHENSIVE  
14 HEALTH SERVICES PLAN THAT WHOLLY OR PARTLY CONCERNS THE CLINICAL  
15 DIAGNOSIS OR TREATMENT OF LYME DISEASE OR OTHER RELATED TICK-BORNE  
16 ILLNESS, THE BOARD SHALL PROVIDE A COPY OF THE COMPLAINT TO THE LICENSED  
17 PHYSICIAN WITHIN 10 DAYS AFTER RECEIVING THE LICENSED PHYSICIAN'S  
18 REQUEST.

19 (2) IF CHARGES FOR PROFESSIONAL MISCONDUCT ARE FILED THAT  
20 WHOLLY OR PARTLY CONCERN THE CLINICAL DIAGNOSIS OR TREATMENT OF LYME  
21 DISEASE OR A RELATED TICK-BORNE ILLNESS, THE CHARGES SHALL CONTAIN A  
22 STATEMENT OF FACTS SUFFICIENT TO ALLOW A JUDICIAL DETERMINATION ON  
23 WHETHER THE CHARGES ARE PROPER UNDER THIS SECTION.

24 (3) NOTICE OF CHARGES FOR PROFESSIONAL MISCONDUCT THAT  
25 WHOLLY OR PARTLY CONCERN THE CLINICAL DIAGNOSIS OR TREATMENT OF LYME  
26 DISEASE OR A RELATED TICK-BORNE ILLNESS, SHALL INCLUDE THE IDENTITY OF  
27 THE EXPERTS CONSULTED BY THE BOARD OR WHO WILL BE CALLED TO TESTIFY BY  
28 THE BOARD AND THE SUBSTANCE OF EACH EXPERT'S OPINION.

29 **Article - Insurance**

30 15-841.

31 (A) THIS SECTION APPLIES TO:

32 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE  
33 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN  
34 EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS  
35 THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

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

1 (B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR  
2 THE LONG-TERM ANTIBIOTIC AND ANTIMICROBIAL TREATMENT OF LYME DISEASE  
3 AND RELATED TICK-BORNE ILLNESSES AS PROVIDED FOR UNDER § 14-508(B) OF THE  
4 HEALTH OCCUPATIONS ARTICLE.

5

**Article - Health - General**

6 19-706.

7 (DDD) THE PROVISIONS OF § 15-841 OF THE INSURANCE ARTICLE SHALL APPLY  
8 TO HEALTH MAINTENANCE ORGANIZATIONS.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
10 applicable disciplinary actions and professional misconduct proceedings pending on or  
11 before the effective date of this Act and all proceedings initiated thereafter.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2005.