

HOUSE BILL 1199

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HB 1244/22 – HGO

3lr2362

By: **Delegates Howard, Adams, Arentz, Baker, Buckel, Chisholm, Conaway, Fennell, Harrison, Hinebaugh, Hornberger, Kipke, Mangione, McComas, Miller, T. Morgan, Munoz, Nawrocki, Otto, Queen, Reznik, Rose, Schmidt, Szeliga, Taylor, and Wivell**

Introduced and read first time: February 10, 2023

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

12 BY adding to
13 Article – Insurance
14 Section 15–859
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2022 Supplement)

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

19 **Article – Insurance**

20 **15–859.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “CLINICAL DIAGNOSIS” MEANS THE OBSERVATION BY A LICENSED**
2 **PHYSICIAN OF SIGNS AND SYMPTOMS COMPATIBLE WITH ACUTE, PERSISTENT, OR**
3 **CHRONIC INFECTION OR OTHER CHRONIC MANIFESTATIONS OF LYME DISEASE.**

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

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

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

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

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

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

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

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

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

31 **(5) “RELATED TICK-BORNE ILLNESS” MEANS BARTONELLOSIS,**
32 **BABESIOSIS, EHRLICHIOSIS, ANAPLASMOSIS, PIROPLASMOSIS, OR ANY OTHER**

1 TICK-BORNE ILLNESS THAT MAY BE ASSOCIATED WITH LYME DISEASE.

2 (6) "THERAPEUTIC PURPOSE" MEANS THE USE OF ANTIBIOTICS TO
3 CONTROL THE SYMPTOMS OF LYME DISEASE AND OTHER RELATED
4 TICK-BORNE ILLNESSES.

5 (B) THIS SECTION APPLIES TO:

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

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

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
26 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
27 after January 1, 2024.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 January 1, 2024.