

SENATE BILL No. 284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8-19; IC 12-15-5-18; IC 16-18-2-214.8; IC 16-41-17.5; IC 27-8-35; IC 27-13-7-24.

Synopsis: Treatment of Lyme disease. Requires that, if an individual is diagnosed with Lyme disease or a related tick borne disease, state employee health plans, Medicaid, policies of accident and sickness insurance, and health maintenance organization contracts must provide coverage for Lyme disease or a related tick borne disease testing and treatment that is prescribed by a health care provider. Provides that a health care provider may not be subject to discipline solely because the health care provider prescribed, administered, or dispensed a long term antibiotic treatment for the treatment of Lyme disease or a tick borne disease. Requires a health care provider or health care provider's designee who orders a laboratory test for the presence of Lyme disease to provide the patient or the patient's legal representative with certain written information concerning Lyme disease.

Effective: July 1, 2018.

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January 4, 2018, read first time and referred to Committee on Insurance and Financial Institutions.



Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 284

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-10-8-19 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2018]: **Sec. 19. (a) As used in this section, "covered individual"**
- 4 **means an individual who is entitled to coverage under a state**
- 5 **employee health plan.**
- 6 **(b) As used in this section, "health care provider" means an**
- 7 **individual who is licensed as any of the following:**
- 8 **(1) A physician.**
- 9 **(2) A physician assistant.**
- 10 **(3) An advanced practice nurse.**
- 11 **(c) As used in this section, "Lyme disease" means an infection:**
- 12 **(1) commonly:**
- 13 **(A) transmitted by a tick; and**
- 14 **(B) caused by the *Borrelia burgdorferi*, *Borrelia mayonii*,**
- 15 ***Borrelia miyamotoi*, *Borrelia afzelii*, or *Borrelia garinii***
- 16 **bacteria; or**
- 17 **(2) that meets the most recent federal Centers for Disease**



- 1 **Control and Prevention surveillance case definition for Lyme**
 2 **disease.**
 3 **The term includes complications from Lyme disease.**
 4 **(d) As used in this section, "state employee health plan" means**
 5 **one (1) of the following:**
 6 **(1) A self-insurance program established under section 7(b) of**
 7 **this chapter to provide group health coverage.**
 8 **(2) A contract with a prepaid health care delivery plan that is**
 9 **entered into or renewed under section 7(c) of this chapter.**
 10 **(e) As used in this section, "tick borne disease" means a disease:**
 11 **(1) commonly transmitted by a tick; and**
 12 **(2) that results in symptoms compatible with any of the**
 13 **following diseases:**
 14 **(A) Anaplasmosis.**
 15 **(B) Babesiosis.**
 16 **(C) Bartonella.**
 17 **(D) Ehrlichiosis.**
 18 **(E) Spotted fever, including Rocky Mountain spotted fever**
 19 **and rickettsioses.**
 20 **(F) Any other disease, other than Lyme disease, that is**
 21 **recognized by the federal Centers for Disease Control and**
 22 **Prevention as a tick borne disease.**
 23 **The term includes complications from a tick borne disease.**
 24 **(f) If a covered individual is diagnosed with Lyme disease or a**
 25 **related tick borne disease, a state employee health plan must**
 26 **provide coverage for Lyme disease or a related tick borne disease**
 27 **testing and treatment that is prescribed by a health care provider.**
 28 **Covered treatments include short term or long term durations of**
 29 **antimicrobial treatments, including a long term antibiotic**
 30 **treatment classified as unproven, experimental, or investigational**
 31 **in nature for the treatment of Lyme disease or a tick borne disease.**
 32 **(g) A health care provider may not be subject to discipline**
 33 **under IC 25-1-9 solely because the health care provider prescribed,**
 34 **administered, or dispensed a long term antibiotic treatment for the**
 35 **treatment of Lyme disease or a tick borne disease. The health care**
 36 **provider's diagnosis, treatment, and monitoring of the covered**
 37 **individual must be documented in the covered individual's medical**
 38 **record.**
 39 **(h) This section applies to a state employee health plan that is**
 40 **issued, entered into, delivered, amended, or renewed after June 30,**
 41 **2018.**
 42 **SECTION 2. IC 12-15-5-18 IS ADDED TO THE INDIANA CODE**



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2018]: **Sec. 18. (a) As used in this section, "Lyme disease" means**
3 **an infection:**

4 **(1) commonly:**

5 **(A) transmitted by a tick; and**

6 **(B) caused by the *Borrelia burgdorferi*, *Borrelia mayonii*,
7 *Borrelia miyamotoi*, *Borrelia afzelii*, or *Borrelia garinii*
8 *bacteria*; or**

9 **(2) that meets the most recent federal Centers for Disease
10 Control and Prevention surveillance case definition for Lyme
11 disease.**

12 **The term includes complications from Lyme disease.**

13 **(b) As used in this section, "tick borne disease" means a disease:**

14 **(1) commonly transmitted by a tick; and**

15 **(2) that results in symptoms compatible with any of the
16 following diseases:**

17 **(A) Anaplasmosis.**

18 **(B) Babesiosis.**

19 **(C) Bartonella.**

20 **(D) Ehrlichiosis.**

21 **(E) Spotted fever, including Rocky Mountain spotted fever
22 and rickettsioses.**

23 **(F) Any other disease, other than Lyme disease, that is
24 recognized by the federal Centers for Disease Control and
25 Prevention as a tick borne disease.**

26 **The term includes complications from a tick borne disease.**

27 **(c) The Medicaid program must provide coverage for a
28 Medicaid recipient who is diagnosed with Lyme disease or a
29 related tick borne disease, including coverage for Lyme disease or
30 a related tick borne disease testing and treatment that is prescribed
31 by a Medicaid provider. Covered treatments include short term or
32 long term durations of antimicrobial treatments, including a long
33 term antibiotic treatment classified as unproven, experimental, or
34 investigational in nature for the treatment of Lyme disease or a
35 tick borne disease.**

36 **(d) A Medicaid provider may not be subject to discipline under
37 IC 25-1-9 solely because the Medicaid provider prescribed,
38 administered, or dispensed a long term antibiotic treatment for the
39 treatment of Lyme disease or a tick borne disease. The Medicaid
40 provider's diagnosis, treatment, and monitoring of the Medicaid
41 recipient must be documented in the Medicaid recipient's medical
42 record.**



1 SECTION 3. IC 16-18-2-214.8 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2018]: **Sec. 214.8. "Lyme disease", for**
 4 **purposes of IC 16-41-17.5, has the meaning set forth in**
 5 **IC 16-41-17.5-1.**

6 SECTION 4. IC 16-41-17.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2018]:

9 **Chapter 17.5. Prevention and Treatment Programs: Lyme**
 10 **Disease Testing Information Disclosure**

11 **Sec. 1. As used in this chapter, "Lyme disease" means an**
 12 **infection:**

13 **(1) commonly:**

14 **(A) transmitted by a tick; and**

15 **(B) caused by the *Borrelia burgdorferi*, *Borrelia mayonii*,**
 16 ***Borrelia miyamotoi*, *Borrelia afzelii*, or *Borrelia garinii***
 17 **bacteria; or**

18 **(2) that meets the most recent federal Centers for Disease**
 19 **Control and Prevention surveillance case definition for Lyme**
 20 **disease.**

21 **Sec. 2. A health care provider or health care provider's designee**
 22 **who orders a laboratory test for the presence of Lyme disease shall**
 23 **provide the patient or the patient's legal representative with the**
 24 **following written information:**

25 **Your health care provider has ordered a laboratory test for**
 26 **the presence of Lyme disease for you.**

27 **Current laboratory testing for Lyme disease can be**
 28 **problematic, and standard laboratory tests often result in**
 29 **false negative and false positive results.**

30 **If you have the disease but the test is performed too early, you**
 31 **may not have produced enough antibodies to be considered**
 32 **positive because your immune response requires time to**
 33 **develop antibodies.**

34 **The Centers for Disease Control (CDC) has stated that**
 35 **multiple tests are sometimes required to achieve an accurate**
 36 **test result.**

37 **If you are tested for Lyme disease and the results are**
 38 **negative, this does not necessarily mean you do not have Lyme**
 39 **disease.**

40 **If you continue to experience symptoms, you should contact**
 41 **your health care provider and inquire about the**
 42 **appropriateness of retesting or additional treatment.**



1 SECTION 5. IC 27-8-35 IS ADDED TO THE INDIANA CODE AS
 2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2018]:

4 **Chapter 35. Coverage for Lyme Disease and Tick Borne**
 5 **Diseases**

6 **Sec. 1. As used in this chapter, "health care provider" means an**
 7 **individual who is licensed as any of the following:**

- 8 (1) A physician.
 9 (2) A physician assistant.
 10 (3) An advanced practice nurse.

11 **Sec. 2. As used in this chapter, "insured" means an individual**
 12 **who is entitled to coverage under a policy of accident and sickness**
 13 **insurance.**

14 **Sec. 3. As used in this chapter, "Lyme disease" means an**
 15 **infection:**

- 16 (1) commonly:
 17 (A) transmitted by a tick; and
 18 (B) caused by the *Borrelia burgdorferi*, *Borrelia mayonii*,
 19 *Borrelia miyamotoi*, *Borrelia afzelii*, or *Borrelia garinii*
 20 bacteria; or
 21 (2) that meets the most recent federal Centers for Disease
 22 Control and Prevention surveillance case definition for Lyme
 23 disease.

24 The term includes complications from Lyme disease.

25 **Sec. 4. As used in this chapter, "policy of accident and sickness**
 26 **insurance" has the meaning set forth in IC 27-8-5-1.**

27 **Sec. 5. As used in this chapter, "tick borne disease" means a**
 28 **disease:**

- 29 (1) commonly transmitted by a tick; and
 30 (2) that results in symptoms compatible with any of the
 31 following diseases:
 32 (A) Anaplasmosis.
 33 (B) Babesiosis.
 34 (C) Bartonella.
 35 (D) Ehrlichiosis.
 36 (E) Spotted fever, including Rocky Mountain spotted fever
 37 and rickettsioses.
 38 (F) Any other disease, other than Lyme disease, that is
 39 recognized by the federal Centers for Disease Control and
 40 Prevention as a tick borne disease.

41 **Sec. 6. If an insured is diagnosed with Lyme disease or a related**
 42 **tick borne disease, a policy of accident and sickness insurance must**



1 provide coverage for Lyme disease or a related tick borne disease
 2 testing and treatment that is prescribed by a health care provider.
 3 Covered treatments include short term or long term durations of
 4 antimicrobial treatments, including a long term antibiotic
 5 treatment classified as unproven, experimental, or investigational
 6 in nature for the treatment of Lyme disease or a tick borne disease.

7 **Sec. 7.** A health care provider may not be subject to discipline
 8 under IC 25-1-9 solely because the health care provider prescribed,
 9 administered, or dispensed a long term antibiotic treatment for the
 10 treatment of Lyme disease or a tick borne disease. The health care
 11 provider's diagnosis, treatment, and monitoring of the insured
 12 must be documented in the insured's medical record.

13 **Sec. 8.** This chapter applies to a policy of accident and sickness
 14 insurance that is issued, delivered, amended, or renewed after June
 15 30, 2018.

16 SECTION 6. IC 27-13-7-24 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2018]: **Sec. 24. (a)** As used in this section, "health care provider"
 19 means an individual who is licensed as any of the following:

- 20 (1) A physician.
- 21 (2) A physician assistant.
- 22 (3) An advanced practice nurse.

23 **(b)** As used in this chapter, "Lyme disease" means an infection:

- 24 (1) commonly:
 - 25 (A) transmitted by a tick; and
 - 26 (B) caused by the *Borrelia burgdorferi*, *Borrelia mayonii*,
 27 *Borrelia miyamotoi*, *Borrelia afzelii*, or *Borrelia garinii*
 28 bacteria; or
 - 29 (2) that meets the most recent federal Centers for Disease
 30 Control and Prevention surveillance case definition for Lyme
 31 disease.

32 The term includes complications from Lyme disease.

33 **(c)** As used in this section, "tick borne disease" means a disease:

- 34 (1) commonly transmitted by a tick; and
- 35 (2) that results in symptoms compatible with any of the
 36 following diseases:
 - 37 (A) Anaplasmosis.
 - 38 (B) Babesiosis.
 - 39 (C) Bartonella.
 - 40 (D) Ehrlichiosis.
 - 41 (E) Spotted fever, including Rocky Mountain spotted fever
 42 and rickettsioses.



- 1 **(F) Any other disease, other than Lyme disease, that is**
2 **recognized by the federal Centers for Disease Control and**
3 **Prevention as a tick borne disease.**
4 **The term includes complications from a tick borne disease.**
5 **(d) If an enrollee is diagnosed with Lyme disease or a related**
6 **tick borne disease, the health maintenance organization must**
7 **provide coverage for Lyme disease or a related tick borne disease**
8 **testing and treatment that is prescribed by a health care provider.**
9 **Covered treatments include short term or long term durations of**
10 **antimicrobial treatments, including a long term antibiotic**
11 **treatment classified as unproven, experimental, or investigational**
12 **in nature for the treatment of Lyme disease or a tick borne disease.**
13 **(e) A health care provider may not be subject to discipline under**
14 **IC 25-1-9 solely because the health care provider prescribed,**
15 **administered, or dispensed a long term antibiotic treatment for the**
16 **treatment of Lyme disease or a tick borne disease. The health care**
17 **provider's diagnosis, treatment, and monitoring of the enrollee**
18 **must be documented in the enrollee's medical record.**
19 **(f) This section applies to an individual contract or a group**
20 **contract that is entered into, delivered, amended, or renewed after**
21 **June 30, 2018.**

