

# SENATE BILL No. 422

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-10-8-23; IC 12-15-5-20; IC 16-18-2-214.8; IC 16-41-17.5; IC 27-8-36; IC 27-13-7-25.

**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, 2020.

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January 15, 2020, read first time and referred to Committee on Insurance and Financial Institutions.

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Second Regular Session of the 121st General Assembly (2020)

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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

# SENATE BILL No. 422

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 5-10-8-23 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2020]: **Sec. 23. (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           **2020.**  
 42           **SECTION 2. IC 12-15-5-20 IS ADDED TO THE INDIANA CODE**



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2020]: **Sec. 20. (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           (e) The office of the secretary may apply to the United States  
2 Department of Health and Human Services for any amendment to  
3 the state Medicaid plan or for any Medicaid waiver necessary to  
4 implement this section.

5           SECTION 3. IC 16-18-2-214.8 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2020]: **Sec. 214.8. "Lyme disease", for**  
8 **purposes of IC 16-41-17.5, has the meaning set forth in**  
9 **IC 16-41-17.5-1.**

10           SECTION 4. IC 16-41-17.5 IS ADDED TO THE INDIANA CODE  
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2020]:

13           **Chapter 17.5. Prevention and Treatment Programs: Lyme**  
14 **Disease Testing Information Disclosure**

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

17           **(1) commonly:**

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

19           **(B) caused by the Borrelia burgdorferi, Borrelia mayonii,**  
20 **Borrelia miyamotoi, Borrelia afzelii, or Borrelia garinii**  
21 **bacteria; or**

22           **(2) that meets the most recent federal Centers for Disease**  
23 **Control and Prevention surveillance case definition for Lyme**  
24 **disease.**

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

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

31           **Current laboratory testing for Lyme disease can be**  
32 **problematic, and standard laboratory tests often result in**  
33 **false negative and false positive results.**

34           **If you have the disease but the test is performed too early, you**  
35 **may not have produced enough antibodies to be considered**  
36 **positive because your immune response requires time to**  
37 **develop antibodies.**

38           **The Centers for Disease Control and Prevention (CDC) has**  
39 **stated that multiple tests are sometimes required to achieve**  
40 **an accurate test result.**

41           **If you are tested for Lyme disease and the results are**  
42 **negative, this does not necessarily mean you do not have Lyme**



- 1 disease.
- 2 If you continue to experience symptoms, you should contact
- 3 your health care provider and inquire about the
- 4 appropriateness of retesting or additional treatment.
- 5 SECTION 5. IC 27-8-36 IS ADDED TO THE INDIANA CODE AS
- 6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2020]:
- 8 **Chapter 36. Coverage for Lyme Disease and Tick Borne**
- 9 **Diseases**
- 10 **Sec. 1. As used in this chapter, "health care provider" means an**
- 11 **individual who is licensed as any of the following:**
- 12 (1) A physician.
- 13 (2) A physician assistant.
- 14 (3) An advanced practice nurse.
- 15 **Sec. 2. As used in this chapter, "insured" means an individual**
- 16 **who is entitled to coverage under a policy of accident and sickness**
- 17 **insurance.**
- 18 **Sec. 3. As used in this chapter, "Lyme disease" means an**
- 19 **infection:**
- 20 (1) commonly:
- 21 (A) transmitted by a tick; and
- 22 (B) caused by the *Borrelia burgdorferi*, *Borrelia mayonii*,
- 23 *Borrelia miyamotoi*, *Borrelia afzelii*, or *Borrelia garinii*
- 24 bacteria; or
- 25 (2) that meets the most recent federal Centers for Disease
- 26 Control and Prevention surveillance case definition for Lyme
- 27 disease.
- 28 The term includes complications from Lyme disease.
- 29 **Sec. 4. As used in this chapter, "policy of accident and sickness**
- 30 **insurance" has the meaning set forth in IC 27-8-5-1.**
- 31 **Sec. 5. As used in this chapter, "tick borne disease" means a**
- 32 **disease:**
- 33 (1) commonly transmitted by a tick; and
- 34 (2) that results in symptoms compatible with any of the
- 35 following diseases:
- 36 (A) Anaplasmosis.
- 37 (B) Babesiosis.
- 38 (C) Bartonella.
- 39 (D) Ehrlichiosis.
- 40 (E) Spotted fever, including Rocky Mountain spotted fever
- 41 and rickettsioses.
- 42 (F) Any other disease, other than Lyme disease, that is



1           **recognized by the federal Centers for Disease Control and**  
 2           **Prevention as a tick borne disease.**

3           **Sec. 6. If an insured is diagnosed with Lyme disease or a related**  
 4           **tick borne disease, a policy of accident and sickness insurance must**  
 5           **provide coverage for Lyme disease or a related tick borne disease**  
 6           **testing and treatment that is prescribed by a health care provider.**  
 7           **Covered treatments include short term or long term durations of**  
 8           **antimicrobial treatments, including a long term antibiotic**  
 9           **treatment classified as unproven, experimental, or investigational**  
 10           **in nature for the treatment of Lyme disease or a tick borne disease.**

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

17           **Sec. 8. This chapter applies to a policy of accident and sickness**  
 18           **insurance that is issued, delivered, amended, or renewed after June**  
 19           **30, 2020.**

20           **SECTION 6. IC 27-13-7-25 IS ADDED TO THE INDIANA CODE**  
 21           **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 22           **1, 2020]: Sec. 25. (a) As used in this section, "health care provider"**  
 23           **means an individual who is licensed as any of the following:**

- 24           **(1) A physician.**
- 25           **(2) A physician assistant.**
- 26           **(3) An advanced practice nurse.**

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

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

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

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

- 38           **(1) commonly transmitted by a tick; and**
- 39           **(2) that results in symptoms compatible with any of the**
- 40           **following diseases:**
  - 41           **(A) Anaplasmosis.**
  - 42           **(B) Babesiosis.**



- 1                   **(C) Bartonella.**  
 2                   **(D) Ehrlichiosis.**  
 3                   **(E) Spotted fever, including Rocky Mountain spotted fever**  
 4                   **and rickettsioses.**  
 5                   **(F) Any other disease, other than Lyme disease, that is**  
 6                   **recognized by the federal Centers for Disease Control and**  
 7                   **Prevention as a tick borne disease.**  
 8                   **The term includes complications from a tick borne disease.**  
 9                   **(d) If an enrollee is diagnosed with Lyme disease or a related**  
 10                   **tick borne disease, the health maintenance organization must**  
 11                   **provide coverage for Lyme disease or a related tick borne disease**  
 12                   **testing and treatment that is prescribed by a health care provider.**  
 13                   **Covered treatments include short term or long term durations of**  
 14                   **antimicrobial treatments, including a long term antibiotic**  
 15                   **treatment classified as unproven, experimental, or investigational**  
 16                   **in nature for the treatment of Lyme disease or a tick borne disease.**  
 17                   **(e) A health care provider may not be subject to discipline under**  
 18                   **IC 25-1-9 solely because the health care provider prescribed,**  
 19                   **administered, or dispensed a long term antibiotic treatment for the**  
 20                   **treatment of Lyme disease or a tick borne disease. The health care**  
 21                   **provider's diagnosis, treatment, and monitoring of the enrollee**  
 22                   **must be documented in the enrollee's medical record.**  
 23                   **(f) This section applies to an individual contract or a group**  
 24                   **contract that is entered into, delivered, amended, or renewed after**  
 25                   **June 30, 2020.**

