
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 100 Session of
2023

INTRODUCED BY BROOKS, DILLON, LANGERHOLC, KANE, STREET, J. WARD,
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APRIL 27, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, APRIL 27, 2023

AN ACT

1 Providing for patient access to diagnostics and treatments for
2 Lyme disease and related tick-borne illnesses; and requiring
3 health care policies to provide certain coverage.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Lyme Disease
8 and Related Tick-Borne Illness Diagnosis and Treatment Act.

9 Section 2. Legislative findings.

10 The General Assembly finds as follows:

11 (1) This Commonwealth has the highest incidence of Lyme
12 disease in the country in 10 of the past 11 years. Each year,
13 approximately 100,000 Pennsylvanians get Lyme disease.

14 (2) In 2018, there were 102,080 confirmed and probable
15 Lyme disease cases reported in this Commonwealth, which
16 represents 30.32% of all cases in the United States. This is
17 an incidence rate of 70.3 per 100,000 confirmed and probable
18 cases in 2019.

1 (3) From 2010 to 2019, there have been more than 66,144
2 confirmed Lyme disease cases in this Commonwealth, but due to
3 the fact that the Centers for Disease Control and
4 Prevention's number only represents confirmed cases, the
5 estimated number of Lyme disease cases are 661,440 based on
6 the Centers for Disease Control and Prevention's 10 times
7 multiplier of actual cases. Therefore, with more than
8 12,960,000 Pennsylvanians in 2019, an estimated 5.1% of
9 Pennsylvanians contracted Lyme disease in the same 10 years.

10 (4) In July 2021, the Department of Environmental
11 Protection, the Department of Conservation and Natural
12 Resources and the Physician General discussed the high
13 incidence in Pennsylvania resulting in high prevalence of
14 ticks and confirmed a high risk of Lyme disease in every
15 county of this Commonwealth. The Department of Environmental
16 Protection collected two times more blacklegged tick nymphs
17 in 2021 compared to 2020 and stated that infected blacklegged
18 ticks are present in all 67 counties in this Commonwealth.

19 (5) According to the Centers for Disease Control and
20 Prevention, Lyme disease is the most common vector-borne
21 disease in the United States.

22 (6) The early clinical diagnosis and appropriate
23 treatment of these tick-borne diseases and illnesses can
24 greatly reduce the risks of continued, diverse and chronic
25 symptoms that can affect every system and organ of the human
26 body and often every aspect of an individual's life.

27 (7) Between 10% to 40% of Lyme disease patients may go
28 on to suffer from complex, chronic/persistent conditions
29 which may be more difficult to treat.

30 (8) There are multiple diagnostic and treatment

1 guidelines for diagnosis and treatment of Lyme disease and
2 tick-borne illness.

3 (9) Scientific understanding of these complex tick-borne
4 illnesses is expected to evolve rapidly in the next decade,
5 including prevention, diagnosis and treatment options.

6 (10) A 2013 Centers for Disease Control and Prevention
7 study found that only 39% of individuals with Lyme disease
8 were treated using short-term antibiotics. The majority of
9 the individuals were treated for longer periods.

10 (11) In 2014, the Massachusetts Center for Health and
11 Information Analysis found little to no increase in insurance
12 costs as a result of expanding coverage to include longer-
13 term courses of antibiotics. The expansion by fully insured
14 health plans was projected to result in an average annual
15 increase, over five years, to the typical member's monthly
16 health insurance premiums of between a negligible amount and
17 13¢ per year.

18 Section 3. Legislative purpose.

19 The purposes of this act are:

20 (1) To promote the education and awareness of Lyme and
21 other tick-borne diseases and illnesses among health care
22 practitioners.

23 (2) To substantially reduce the incidence of tick-borne
24 diseases and illnesses by providing insurance coverage for
25 diagnostic testing and treatment.

26 (3) To eliminate, or at the very least, significantly
27 reduce the number of confirmed Lyme disease cases and related
28 tick-borne illnesses in this Commonwealth.

29 (4) To promote the availability of tick testing to aid
30 in determining a clinical diagnosis.

1 (5) To promote the availability of diagnostic testing
2 and antibiotic therapies for patients by licensed health care
3 practitioners.

4 (6) To improve public awareness of Lyme disease and
5 related tick-borne illnesses and educate the public about
6 tick bite prevention practices that can reduce the incidence
7 and prevalence of ticks in this Commonwealth.

8 Section 4. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Clinical diagnosis." A diagnosis of a patient based
13 primarily on information obtained from medical history, a
14 physical examination of the patient and review of medical
15 records, including laboratory tests and radiologic studies or
16 other differential diagnostic testing.

17 "Covered person." A policyholder, subscriber or other
18 individual who is entitled to receive health care services under
19 a health insurance policy.

20 "Department." The Department of Health of the Commonwealth.

21 "Enrollee." An individual who is entitled to receive health
22 care services under an agreement with the Department of Human
23 Services.

24 "Government program." Either of the following:

25 (1) The medical assistance program established under the
26 act of June 13, 1967 (P.L.31, No.21), known as the Human
27 Services Code.

28 (2) The children's health insurance program established
29 under Article XXIII-A of the act of May 17, 1921 (P.L.682,
30 No.284), known as The Insurance Company Law of 1921.

1 "Health care practitioner." As defined in section 103 of the
2 act of July 19, 1979 (P.L.130, No.48), known as the Health Care
3 Facilities Act.

4 "Health insurance policy." An individual or group insurance
5 policy, subscriber contract, certificate or plan issued by an
6 insurer that provides medical or health care coverage, including
7 emergency services. The term does not include:

8 (1) An accident only policy.

9 (2) A credit only policy.

10 (3) A long-term care or disability income policy.

11 (4) A specified disease policy.

12 (5) A Medicare supplement policy.

13 (6) A TRICARE policy, including a Civilian Health and
14 Medical Program of the Uniformed Services (CHAMPUS)
15 supplement policy.

16 (7) A fixed indemnity policy.

17 (8) A hospital indemnity policy.

18 (9) A dental only policy.

19 (10) A vision only policy.

20 (11) A workers' compensation policy.

21 (12) An automobile medical payment policy.

22 (13) A homeowners' insurance policy.

23 (14) A short-term limited duration policy.

24 (15) Any other similar policy providing for limited
25 benefits.

26 "Insurer." An entity licensed by the Insurance Department
27 with accident and health authority to issue a health insurance
28 policy that is offered or governed under any of the following:

29 (1) The Insurance Company Law of 1921, including section
30 630 and Article XXIV.

1 (2) The act of December 29, 1972 (P.L.1701, No.364),
2 known as the Health Maintenance Organization Act.

3 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
4 corporations) or 63 (relating to practitioner health services
5 plan corporations).

6 "Lyme disease." Signs or symptoms compatible with acute,
7 late-stage, persistent infection with *Borrelia burgdorferi* or
8 complications related to such infection or with such other
9 strains of *Borrelia*, including, but not limited to, *B.*
10 *miyamotoi*, *B. mayonii*, *B. garinii* and *B. afzelii*, that are
11 recognized by the Centers for Disease Control and Prevention as
12 a cause of Lyme disease. The term includes infection that meets
13 the surveillance criteria established by the Centers for Disease
14 Control and Prevention and other acute and persistent
15 manifestations of such an infection as determined by a health
16 care practitioner.

17 "Related tick-borne illness." The presence of signs or
18 symptoms compatible with infection with bartonella,
19 babesiosis/piroplasmiasis, anaplasmosis, ehrlichiosis, Rocky
20 Mountain spotted fever, rickettsiosis or other tick-
21 transmissible illness or complications related to the
22 infections. The term does not include Lyme disease.

23 "Surveillance criteria." The set of case definition
24 standards established by the Centers for Disease Control and
25 Prevention for the purposes of consistency in research or for
26 evaluating trends in the spread of various diseases, but which
27 the Centers for Disease Control and Prevention does not intend
28 to be used by health care practitioners for individual patient
29 diagnoses.

30 Section 5. Treatment.

1 (a) Testing and therapy.--A health care practitioner may
2 order diagnostic testing and prescribe, administer or dispense
3 antibiotic therapy of the duration the licensed health care
4 practitioner determines appropriate for the patient, for the
5 therapeutic purpose of eliminating or controlling a patient's
6 infection or symptoms upon making a clinical diagnosis that the
7 patient has Lyme disease or a related tick-borne illness or
8 displays symptoms consistent with a clinical diagnosis of Lyme
9 disease or related tick-borne illnesses and by documenting the
10 diagnosis and treatment in the patient's medical records.

11 (b) Report.--For the purpose of advancing tick-borne
12 diseases and illness research and documenting the incidence and
13 prevalence across Pennsylvania, the attending health care
14 practitioner shall consult and report to the Statewide registry
15 under section 6(c) when making a clinical diagnosis.

16 Section 6. Duties of department.

17 (a) Comprehensive educational program.--The department shall
18 conduct an annual public information campaign to inform each
19 licensed physician, physician's assistant, certified registered
20 nurse and other health care practitioners of the requirements of
21 this act.

22 (b) Distribution of literature about Lyme disease and
23 related tick-borne illnesses.--The department shall provide
24 educational material in accordance with the following:

25 (1) The department shall provide culturally and
26 linguistically appropriate educational materials regarding
27 Lyme disease and related tick-borne illnesses, prevention of
28 disease and illness, treatment for disease and illness,
29 surveillance research and, when appropriate, the requirements
30 of this act.

1 (2) Educational materials shall be available at no cost
2 and shall be developed for specific audiences, including
3 health care practitioners, patients and the general public.

4 (c) Statewide registry.--The department shall partner with
5 the Tick Research Lab of Pennsylvania at East Stroudsburg
6 University to develop an electronic database for use by the Tick
7 Research Lab, the department and health care practitioners. The
8 database shall include the following nonidentifiable patient
9 information submitted to the department:

10 (1) From the Tick Research Lab of Pennsylvania, tick
11 testing information, including the results of the testing and
12 the zip code and county location of where the tick was
13 extracted.

14 (2) From the health care practitioner, information,
15 including diagnostic testing information and testing results,
16 confirmed or suspected diagnosis and surveillance criteria
17 applied to determine the confirmed or suspected diagnosis.

18 Section 7. Lyme Disease Testing Coverage.

19 (a) General rule.--A health insurance policy or government
20 program shall provide to covered persons or enrollees who are
21 seeking treatment in accordance with section 5 for Lyme disease
22 or related tick-borne illness the following coverage when
23 ordered by the covered person's or enrollee's health care
24 practitioner:

25 (1) All diagnostic testing. This includes testing of all
26 bands on the western blot test for the purposes of a clinical
27 diagnosis and determining appropriate treatment.

28 (2) Tick testing.

29 (3) The prescribed treatment for Lyme disease or related
30 tick-borne illnesses if the clinical diagnosis and treatment

1 plan are documented in the covered person's or enrollee's
2 medical record. Treatment plans may include short-term or
3 long-term durations of antibiotic or antimicrobial
4 treatments, including both oral or intravenous, as prescribed
5 by the covered person's or enrollee's attending health care
6 practitioner.

7 (b) Copayments, deductibles and coinsurance.--Coverage under
8 this section shall be subject to copayment, deductible and
9 coinsurance provisions and any other general exclusions or
10 limitations of a health insurance policy or government program
11 to the same extent as other medical services covered by the
12 health insurance policy or government program are subject to
13 these provisions.

14 (c) Construction.--This section does not limit benefits
15 which are otherwise available to an individual under a health
16 insurance policy or government program.

17 (d) Report by insurers.--By January 1, 2025, an insurer
18 shall make a report to the Insurance Department, in a form and
19 manner as determined by the department, to evaluate the
20 implementation of this section.

21 Section 8. Application.

22 Section 7 shall apply as follows:

23 (1) For health insurance policies for which either rates
24 or forms are required to be filed with the Federal Insurance
25 Office, this act shall apply to any health insurance policy
26 for which a form or rate is first filed on or after the
27 effective date of this section.

28 (2) For health insurance policies for which neither
29 rates nor forms are required to be filed with the Federal
30 Insurance Office, this act shall apply to any health

1 insurance policy offered, issued or renewed on or after 180
2 days after the effective date of this section.

3 Section 9. Regulations.

4 The department shall promulgate rules and regulations to
5 administer and enforce this act.

6 Section 10. Effective date.

7 This act shall take effect in 60 days.