

1 A bill to be entitled

2 An act relating to Lyme disease; providing a short title;
3 creating s. 381.801, F.S.; providing definitions;
4 requiring certain health insurance policies and health
5 maintenance organization contracts to provide coverage for
6 Lyme disease diagnosis and treatment; creating s.
7 627.64194, F.S.; providing definitions; requiring certain
8 health insurance policies to provide coverage for Lyme
9 disease diagnosis and treatment; providing applicability
10 for referrals made in accordance with procedures
11 authorized by health insurance policies; amending s.
12 641.31, F.S.; providing definitions; requiring certain
13 health maintenance organization contracts to provide
14 coverage for Lyme disease diagnosis and treatment;
15 providing applicability for referrals made in accordance
16 with procedures authorized by health maintenance
17 organization contracts; providing an effective date.

18
19 WHEREAS, the Legislature recognizes that Lyme disease
20 exists in Florida and has a negative impact on its citizens, and

21 WHEREAS, Lyme disease is the most common vector-borne
22 disease in the United States and other tick-associated diseases
23 are being identified, and

24 WHEREAS, the Department of Health maintains that early
25 diagnosis and proper treatment of Lyme disease are important
26 strategies in avoiding the complications and expenses of
27 infection and late-stage illness, and

28 WHEREAS, the lack of insurance coverage for diagnosis and

HB 1013

2006

29 long-term antibiotic therapies or other newly developed
 30 evidence-based therapies or treatment is a major barrier to
 31 adequate medical care for patients with symptoms compatible with
 32 chronic Lyme disease, and

33 WHEREAS, the Legislature feels a responsibility to help the
 34 citizens of the state who suffer from Lyme disease and who may
 35 not obtain a timely diagnosis or obtain the appropriate
 36 treatment, and to protect the physicians who treat sufferers of
 37 Lyme disease, by adopting legislation that promotes the
 38 diagnosis and treatment of Lyme disease in Florida, NOW,
 39 THEREFORE,

40

41 Be It Enacted by the Legislature of the State of Florida:

42

43 Section 1. This act may be cited as the "Lyme Disease
 44 Insurance Coverage Act."

45 Section 2. Section 381.801, Florida Statutes, is created
 46 to read:

47 381.801 Lyme disease; definitions; coverage.--

48 (1) For purposes of this section:

49 (a) "Coverage" means an insurer may not contest, reverse,
 50 or deny payment for diagnostic testing or long-term antibiotic
 51 therapy or other newly developed evidence-based therapy based
 52 upon a physician's order, whether the physician is in a
 53 preferred provider network as defined in s. 627.6471(1)(c) or
 54 not, if the treating physician has determined the therapy to be
 55 medically necessary.

HB 1013

2006

56 (b) "Long-term antibiotic therapy" means administration of
57 oral, intramuscular, or intravenous antibiotics, singly or in
58 combination, for a period of more than 4 weeks.

59 (c) "Lyme disease" means the clinical diagnosis by a
60 physician of the presence in a patient of signs and symptoms
61 compatible with acute, late-stage, recurrent, or chronic
62 infection with Borrelia burgdorferi or with complications
63 related to such an infection. Lyme disease includes an infection
64 that meets the surveillance criteria set forth by the Centers
65 for Disease Control and Prevention and also includes other
66 acute, late-stage, recurrent, and chronic manifestations of such
67 an infection as determined by the treating physician.

68 (d) "Medically necessary" means the use of long-term
69 antibiotic therapy or other newly developed evidence-based
70 therapy that the physician has determined is necessary in a
71 particular case based on the patient's symptoms, signs, and
72 responsiveness to the treatment prescribed by the physician.

73 (e) "Physician" means a person licensed to practice
74 medicine under chapter 458 or osteopathic medicine under chapter
75 459 or a person who is licensed to practice medicine or
76 osteopathic medicine in any other state and whose license is
77 currently valid and the requirements for practicing in such a
78 capacity are substantially similar to or are more stringent than
79 those of this state.

80 (2) Health insurance policies and health maintenance
81 organization contracts shall provide coverage for the diagnosis
82 and treatment of Lyme disease, including long-term antibiotic
83 therapy or other newly developed evidence-based therapy, as

84 deemed to be medically necessary by a physician, as specified in
 85 ss. 627.64194 and 641.31(36).

86 Section 3. Section 627.64194, Florida Statutes, is created
 87 to read:

88 627.64194 Required coverage for Lyme disease.--

89 (1) As used in this section:

90 (a) "Coverage" means an insurer may not contest, reverse,
 91 or deny payment for diagnostic testing or long-term antibiotic
 92 therapy or other newly developed evidence-based therapy based
 93 upon a physician's order, whether the physician is in a
 94 preferred provider network as defined in s. 627.6471(1)(c) or
 95 not, if the treating physician has determined the therapy to be
 96 medically necessary.

97 (b) "Long-term antibiotic therapy" means administration of
 98 oral, intramuscular, or intravenous antibiotics, singly or in
 99 combination, for a period of more than 4 weeks.

100 (c) "Lyme disease" means the clinical diagnosis by a
 101 physician of the presence in a patient of signs and symptoms
 102 compatible with acute, late-stage, recurrent, or chronic
 103 infection with Borrelia burgdorferi or with complications
 104 related to such an infection. Lyme disease includes an infection
 105 that meets the surveillance criteria set forth by the Centers
 106 for Disease Control and Prevention and also includes other
 107 acute, late-stage, recurrent, and chronic manifestations of such
 108 an infection as determined by the treating physician.

109 (d) "Medically necessary" means the use of long-term
 110 antibiotic therapy or other newly developed evidence-based
 111 therapy that the physician has determined is necessary in a

HB 1013

2006

112 particular case based on the patient's symptoms, signs, and
113 responsiveness to the treatment prescribed by the physician.

114 (e) "Physician" means a person licensed to practice
115 medicine under chapter 458 or osteopathic medicine under chapter
116 459 or a person who is licensed to practice medicine or
117 osteopathic medicine in any other state and whose license is
118 currently valid and the requirements for practicing in such a
119 capacity are substantially similar to or are more stringent than
120 those of this state.

121 (2) A health insurance policy that covers a resident of
122 this state and that is issued, amended, delivered, or renewed in
123 this state on or after July 1, 2006, shall provide coverage for
124 the diagnosis and treatment of Lyme disease and its sequelae,
125 including, but not limited to, long-term antibiotic therapy or
126 other newly developed evidence-based therapy to control Lyme
127 disease and its sequelae, when a physician deems the treatment
128 to be medically necessary and orders such therapy after making a
129 thorough evaluation of the patient's symptoms and signs,
130 diagnostic test results, and response to treatment and the
131 physician has documented objective clinical change.

132 (3) This section shall apply to a physician who is
133 licensed to practice medicine or osteopathic medicine in any
134 other state and whose license is currently valid and the
135 requirements for practicing in such a capacity are substantially
136 similar to or are more stringent than those of this state,
137 provided a referral for the required coverage is made in
138 accordance with the procedures authorized by the health
139 insurance policy.

140 Section 4. Subsections (36) through (40) of section
141 641.31, Florida Statutes, are renumbered as subsections (37)
142 through (41), respectively, and a new subsection (36) is added
143 to that section to read:

144 641.31 Health maintenance contracts.--

145 (36) (a) As used in this subsection:

146 1. "Coverage" means an insurer may not contest, reverse,
147 or deny payment for diagnostic testing or long-term antibiotic
148 therapy or other newly developed evidence-based therapy based
149 upon a physician's order, whether the physician is in a health
150 maintenance organization's provider network or not, if the
151 treating physician has determined the therapy to be medically
152 necessary.

153 2. "Long-term antibiotic therapy" means administration of
154 oral, intramuscular, or intravenous antibiotics, singly or in
155 combination, for a period of more than 4 weeks.

156 3. "Lyme disease" means the clinical diagnosis by a
157 physician of the presence in a patient of signs and symptoms
158 compatible with acute, late-stage, recurrent, or chronic
159 infection with Borrelia burgdorferi or with complications
160 related to such an infection. Lyme disease includes an infection
161 that meets the surveillance criteria set forth by the Centers
162 for Disease Control and Prevention and also includes other
163 acute, late-stage, recurrent, and chronic manifestations of such
164 an infection as determined by the treating physician.

165 4. "Medically necessary" means the use of long-term
166 antibiotic therapy or other newly developed evidence-based
167 therapy that the physician has determined is necessary in a

HB 1013

2006

168 particular case based on the patient's symptoms, signs, and
169 responsiveness to the treatment prescribed by the physician.

170 5. "Physician" means a person licensed to practice
171 medicine under chapter 458 or osteopathic medicine under chapter
172 459 or a person who is licensed to practice medicine or
173 osteopathic medicine in any other state and whose license is
174 currently valid and the requirements for practicing in such a
175 capacity are substantially similar to or are more stringent than
176 those of this state.

177 (b) A health maintenance organization contract that covers
178 a resident of this state and that is issued, amended, delivered,
179 or renewed in this state on or after July 1, 2006, shall provide
180 coverage for the diagnosis and treatment of Lyme disease and its
181 sequelae, including, but not limited to, long-term antibiotic
182 therapy or other newly developed evidence-based therapy to
183 control Lyme disease and its sequelae, when a physician deems
184 the treatment to be medically necessary and orders such therapy
185 after making a thorough evaluation of the patient's symptoms and
186 signs, diagnostic test results, and response to treatment and
187 the physician has documented objective clinical change.

188 (c) This subsection shall apply to a physician who is
189 licensed to practice medicine or osteopathic medicine in any
190 other state and whose license is currently valid and the
191 requirements for practicing in such a capacity are substantially
192 similar to or are more stringent than those of this state,
193 provided a referral for the required coverage is made in
194 accordance with the procedures authorized by the health
195 maintenance organization contract.

HB 1013

2006

196

Section 5. This act shall take effect July 1, 2006.