

By Senator Wise

5-1385-06

See HB 1013

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

22  
23           WHEREAS, the Legislature recognizes that Lyme disease  
24          exists in Florida and has a negative impact on its citizens,  
25          and

26           WHEREAS, Lyme disease is the most common vector-borne  
27          disease in the United States and other tick-associated  
28          diseases are being identified, and

29           WHEREAS, the Department of Health maintains that early  
30          diagnosis and proper treatment of Lyme disease are important

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1 strategies in avoiding the complications and expenses of  
2 infection and late-stage illness, and

3 WHEREAS, the lack of insurance coverage for diagnosis  
4 and long-term antibiotic therapies or other newly developed  
5 evidence-based therapies or treatment is a major barrier to  
6 adequate medical care for patients with symptoms compatible  
7 with chronic Lyme disease, and

8 WHEREAS, the Legislature feels a responsibility to help  
9 the citizens of the state who suffer from Lyme disease and who  
10 may not obtain a timely diagnosis or obtain the appropriate  
11 treatment, and to protect the physicians who treat sufferers  
12 of Lyme disease, by adopting legislation that promotes the  
13 diagnosis and treatment of Lyme disease in Florida, NOW,  
14 THEREFORE,

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. This act may be cited as the "Lyme Disease  
19 Insurance Coverage Act."

20 Section 2. Section 381.801, Florida Statutes, is  
21 created to read:

22 381.801 Lyme disease; definitions; coverage.--

23 (1) For purposes of this section:

24 (a) "Coverage" means an insurer may not contest,  
25 reverse, or deny payment for diagnostic testing or long-term  
26 antibiotic therapy or other newly developed evidence-based  
27 therapy based upon a physician's order, whether the physician  
28 is in a preferred provider network as defined in s.  
29 627.6471(1)(c) or not, if the treating physician has  
30 determined the therapy to be medically necessary.

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

5           **(c) "Lyme disease" means the clinical diagnosis by a**  
6 **physician of the presence in a patient of signs and symptoms**  
7 **compatible with acute, late-stage, recurrent, or chronic**  
8 **infection with *Borrelia burgdorferi* or with complications**  
9 **related to such an infection. Lyme disease includes an**  
10 **infection that meets the surveillance criteria set forth by**  
11 **the Centers for Disease Control and Prevention and also**  
12 **includes other acute, late-stage, recurrent, and chronic**  
13 **manifestations of such an infection as determined by the**  
14 **treating physician.**

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

20           **(e) "Physician" means a person licensed to practice**  
21 **medicine under chapter 458 or osteopathic medicine under**  
22 **chapter 459 or a person who is licensed to practice medicine**  
23 **or osteopathic medicine in any other state and whose license**  
24 **is currently valid and the requirements for practicing in such**  
25 **a capacity are substantially similar to or are more stringent**  
26 **than those of this state.**

27           **(2) Health insurance policies and health maintenance**  
28 **organization contracts shall provide coverage for the**  
29 **diagnosis and treatment of Lyme disease, including long-term**  
30 **antibiotic therapy or other newly developed evidence-based**  
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1 therapy, as deemed to be medically necessary by a physician,  
2 as specified in ss. 627.64194 and 641.31(36).

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

5 627.64194 Required coverage for Lyme disease.--

6 (1) As used in this section:

7 (a) "Coverage" means an insurer may not contest,  
8 reverse, or deny payment for diagnostic testing or long-term  
9 antibiotic therapy or other newly developed evidence-based  
10 therapy based upon a physician's order, whether the physician  
11 is in a preferred provider network as defined in s.  
12 627.6471(1)(c) or not, if the treating physician has  
13 determined the therapy to be medically necessary.

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

18 (c) "Lyme disease" means the clinical diagnosis by a  
19 physician of the presence in a patient of signs and symptoms  
20 compatible with acute, late-stage, recurrent, or chronic  
21 infection with *Borrelia burgdorferi* or with complications  
22 related to such an infection. Lyme disease includes an  
23 infection that meets the surveillance criteria set forth by  
24 the Centers for Disease Control and Prevention and also  
25 includes other acute, late-stage, recurrent, and chronic  
26 manifestations of such an infection as determined by the  
27 treating physician.

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

3 (e) "Physician" means a person licensed to practice  
4 medicine under chapter 458 or osteopathic medicine under  
5 chapter 459 or a person who is licensed to practice medicine  
6 or osteopathic medicine in any other state and whose license  
7 is currently valid and the requirements for practicing in such  
8 a capacity are substantially similar to or are more stringent  
9 than those of this state.

10 (2) A health insurance policy that covers a resident  
11 of this state and that is issued, amended, delivered, or  
12 renewed in this state on or after July 1, 2006, shall provide  
13 coverage for the diagnosis and treatment of Lyme disease and  
14 its sequelae, including, but not limited to, long-term  
15 antibiotic therapy or other newly developed evidence-based  
16 therapy to control Lyme disease and its sequelae, when a  
17 physician deems the treatment to be medically necessary and  
18 orders such therapy after making a thorough evaluation of the  
19 patient's symptoms and signs, diagnostic test results, and  
20 response to treatment and the physician has documented  
21 objective clinical change.

22 (3) This section shall apply to a physician who is  
23 licensed to practice medicine or osteopathic medicine in any  
24 other state and whose license is currently valid and the  
25 requirements for practicing in such a capacity are  
26 substantially similar to or are more stringent than those of  
27 this state, provided a referral for the required coverage is  
28 made in accordance with the procedures authorized by the  
29 health insurance policy.

30 Section 4. Subsections (36) through (40) of section  
31 641.31, Florida Statutes, are renumbered as subsections (37)

1 through (41), respectively, and a new subsection (36) is added  
2 to that section to read:

3 641.31 Health maintenance contracts.--

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

5 1. "Coverage" means an insurer may not contest,  
6 reverse, or deny payment for diagnostic testing or long-term  
7 antibiotic therapy or other newly developed evidence-based  
8 therapy based upon a physician's order, whether the physician  
9 is in a health maintenance organization's provider network or  
10 not, if the treating physician has determined the therapy to  
11 be medically necessary.

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

15 3. "Lyme disease" means the clinical diagnosis by a  
16 physician of the presence in a patient of signs and symptoms  
17 compatible with acute, late-stage, recurrent, or chronic  
18 infection with Borrelia burgdorferi or with complications  
19 related to such an infection. Lyme disease includes an  
20 infection that meets the surveillance criteria set forth by  
21 the Centers for Disease Control and Prevention and also  
22 includes other acute, late-stage, recurrent, and chronic  
23 manifestations of such an infection as determined by the  
24 treating physician.

25 4. "Medically necessary" means the use of long-term  
26 antibiotic therapy or other newly developed evidence-based  
27 therapy that the physician has determined is necessary in a  
28 particular case based on the patient's symptoms, signs, and  
29 responsiveness to the treatment prescribed by the physician.

30 5. "Physician" means a person licensed to practice  
31 medicine under chapter 458 or osteopathic medicine under

1 chapter 459 or a person who is licensed to practice medicine  
2 or osteopathic medicine in any other state and whose license  
3 is currently valid and the requirements for practicing in such  
4 a capacity are substantially similar to or are more stringent  
5 than those of this state.

6 (b) A health maintenance organization contract that  
7 covers a resident of this state and that is issued, amended,  
8 delivered, or renewed in this state on or after July 1, 2006,  
9 shall provide coverage for the diagnosis and treatment of Lyme  
10 disease and its sequelae, including, but not limited to,  
11 long-term antibiotic therapy or other newly developed  
12 evidence-based therapy to control Lyme disease and its  
13 sequelae, when a physician deems the treatment to be medically  
14 necessary and orders such therapy after making a thorough  
15 evaluation of the patient's symptoms and signs, diagnostic  
16 test results, and response to treatment and the physician has  
17 documented objective clinical change.

18 (c) This subsection shall apply to a physician who is  
19 licensed to practice medicine or osteopathic medicine in any  
20 other state and whose license is currently valid and the  
21 requirements for practicing in such a capacity are  
22 substantially similar to or are more stringent than those of  
23 this state, provided a referral for the required coverage is  
24 made in accordance with the procedures authorized by the  
25 health maintenance organization contract.

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