

**HOUSE . . . . . No. 4560**

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**The Commonwealth of Massachusetts**



CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE · BOSTON, MA 02133

KARYN POLITO  
LIEUTENANT GOVERNOR

*July 28, 2016*

To the Honorable Senate and House of Representatives,

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled “An Act Relative to Expanded Access to Therapies for the Treatment of Lyme Disease” to ensure that patients receive access to safe and effective medical treatment for Lyme disease. I offer this bill as an alternative to H. 4491, which I have today returned to the Legislature unsigned for the reasons explained in my return letter.

The bill I am filing would require private health insurance companies, nonprofit hospital service corporations, medical service corporations, and health maintenance organizations to cover the costs of medically appropriate and clinically proven treatments for Lyme disease. To do so, the bill requires that these entities provide coverage for Lyme disease treatment equal to the coverage that MassHealth now provides to its members. This requirement will eliminate any arbitrary restrictions on coverage and ensure that persons needing treatment for Lyme disease have access to safe, effective, and clinically approved treatments.

I urge your prompt enactment of this important legislation.

Respectfully submitted,

Charles D. Baker,  
*Governor*



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Message from His Excellency the Governor recommending legislation relative to expanded access to therapies for the treatment of Lyme Disease

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## The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act relative to expanded access to therapies for the treatment of Lyme Disease.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after  
2 section 47GG the following section:-

3           Section 47HH. (a) For the purposes of this section, “Lyme disease” shall have the same  
4 meaning as defined in section 12DD of chapter 112.

5           (b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or  
6 renewed within the commonwealth that provides medical expense coverage shall provide  
7 coverage for the treatment of Lyme disease when determined to be medically necessary under  
8 chapter 176O. Said coverage shall be at least equal to the benefits provided by MassHealth to its  
9 members under chapter 118E for the treatment of Lyme disease; provided, that no such policy,  
10 contract, agreement, plan or certificate shall include a benefit limitation on the number of days of  
11 covered treatment.

12           SECTION 2. Chapter 176A of the General Laws is hereby amended by inserting after  
13 section 8II the following section:-

14 Section 8JJ. (a) For the purposes of this section, “Lyme disease” shall have the same  
15 meaning as defined in section 12DD of chapter 112.

16 (b) A contract between a subscriber and the corporation under an individual or group  
17 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide  
18 coverage for the treatment of Lyme disease when determined to be medically necessary under  
19 chapter 176O. Said coverage shall be at least equal to the benefits provided by MassHealth to its  
20 members under chapter 118E for the treatment of Lyme disease; provided, that no such contract  
21 shall include a benefit limitation on the number of days of covered treatment.

22 SECTION 3. Chapter 176B of the General Laws is hereby amended by inserting after  
23 section 4II the following section:-

24 Section 4JJ. (a) For the purposes of this section, “Lyme disease” shall have the same  
25 meaning as defined in section 12DD of chapter 112.

26 (b) A subscription certificate under an individual or group medical service agreement  
27 delivered, issued or renewed within the commonwealth shall provide coverage for the treatment  
28 of Lyme disease when determined to be medically necessary under chapter 176O. Said coverage  
29 shall be at least equal to the benefits provided by MassHealth to its members under chapter 118E  
30 for the treatment of Lyme disease; provided, that no such subscription certificate shall include a  
31 benefit limitation on the number of days of covered treatment.

32 SECTION 4. Chapter 176G of the General Laws is hereby amended by inserting after  
33 section 4AA the following section:-

34           Section 4BB. (a) For the purposes of this section, “Lyme disease” shall have the same  
35 meaning as defined in section 12DD of chapter 112.

36           (b) An individual or group health maintenance contract shall provide coverage for the  
37 treatment of Lyme disease when determined to be medically necessary under chapter 176O. Said  
38 coverage shall be at least equal to the benefits provided by MassHealth to its members under  
39 chapter 118E for the treatment of Lyme disease; provided, that no such contract shall include a  
40 benefit limitation on the number of days of covered treatment.

41           SECTION 5. Not later than 6 months from the effective date of this act, MassHealth shall  
42 publish on its website the benefits available to its members for the treatment of Lyme disease and  
43 shall make available upon request information about prior authorization or medical necessity  
44 criteria associated with said treatment. Prior to publishing said benefit information the executive  
45 office of health and human services shall host a public listening session to solicit information  
46 from stakeholders about appropriate treatment for Lyme disease.

47           SECTION 6. Section 1 to 4, inclusive are hereby repealed.

48           SECTION 7. Sections 1 to 4, inclusive, shall take effect 9 months from the effective date  
49 of this act.

50           SECTION 8. Section 6 shall take effect January 1, 2023.