

HOUSE No. 4683

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Relative to Tick Born Illness..

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. This law shall be known as the Hargraves, Hayes and Hewitt Act.

2 SECTION 2. Chapter 112 of the General Laws, as appearing in the 2008 Official
3 Edition, is hereby amended by inserting after section 12CC the following section:-

4 Section.12DD. As used in this section, long-term antibiotic therapy shall be the
5 administration of oral, intramuscular or intravenous antibiotics singly or in combination, for
6 periods of time in excess of 4 weeks. Lyme disease is the clinical diagnosis by a physician
7 licensed under section 2 of chapter 112 of the presence in a patient of signs or symptoms
8 compatible with acute infection with *Borrelia burgdorferi* or with late stage or persistent or
9 chronic infection with *Borrelia burgdorferi* or with complications related to such infection or
10 with such other strains of *Borrelia* that after adoption of this bill, are recognized by the national
11 Centers for Disease Control and Prevention (CDC) as a cause of Lyme disease. Lyme disease
12 includes an infection that meets the surveillance criteria set forth by said CDC, and it also
13 includes a clinical diagnosis of Lyme disease that does not meet the CDC surveillance criteria
14 but includes other acute and chronic signs and/or symptoms of Lyme disease as determined by

15 the treating physician. Such clinical diagnosis is based on knowledge obtained through medical
16 history and physical examination alone, or in conjunction with testing that provides supportive
17 data for such clinical diagnosis.

18 A licensed physician may prescribe, administer or dispense long-term antibiotic therapy
19 for a therapeutic purpose that eliminates such infection or controls a patient's symptoms upon
20 making a clinical diagnosis that such patient has Lyme disease or displays symptoms consistent
21 with a clinical diagnosis of Lyme disease, provided such clinical diagnosis and treatment are
22 documented in the patient's medical record by such licensed physician.

23 No physician shall be subject to disciplinary action by the Board of Registration in
24 Medicine solely for prescribing, administering or dispensing long term antibiotic therapy for a
25 therapeutic purpose for a patient clinically diagnosed with Lyme disease if the diagnosis and
26 treatment has been documented by the treating physician in the physician's medical record for
27 that patient."

28 SECTION 3. This act shall take effect 90 days after passage.