

HOUSE No. 4560

The Commonwealth of Massachusetts



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GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
, MA

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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

HOUSE No. 4560

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

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.