

HOUSE No. 4491

Sections 108, 111, 113 and 115 contained in the engrossed Bill making appropriations for the fiscal year 2017 (see House, No. 4450), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see Attachment J of House, No. 4505). July 11, 2016.

The Commonwealth of Massachusetts

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

An Act relative to long-term antibiotic therapy for the treatment of Lyme disease.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for long-term antibiotic therapy for the treatment of Lyme disease, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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” and “Long-term
4 antibiotic therapy” and “Lyme disease” shall have the same meaning as ascribed to them in
5 section 12DD of chapter 112.

6 (b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or
7 renewed within the commonwealth that provides medical expense coverage shall provide
8 coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be

9 medically necessary and ordered by a licensed physician after making a thorough evaluation of
10 the patient’s symptoms, diagnostic test results, or response to treatment. An experimental drug
11 shall be covered as a long-term antibiotic therapy if it is approved for any indication by the
12 United States Food and Drug Administration; provided, however, that a drug, including an
13 experimental drug, shall be covered for an off-label use in the treatment of Lyme disease if the
14 drug has been approved by the United States Food and Drug Administration.

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

17 Section 8JJ. (a) For the purposes of this section, “Long-term antibiotic therapy” and
18 “Lyme disease” shall have the same mean as ascribed to them in section 12DD of chapter 112.

19 (b) A contract between a subscriber and the corporation under an individual or group
20 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide
21 coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be
22 medically necessary and ordered by a licensed physician after making a thorough evaluation of
23 the patient’s symptoms, diagnostic test results, or response to treatment. An experimental drug
24 shall be covered as a long-term antibiotic therapy if it is approved for any indication by the
25 United States Food and Drug Administration; provided, however, that a drug, including an
26 experimental drug, shall be covered for an off-label use in the treatment of Lyme disease if the
27 drug has been approved by the United States Food and Drug Administration.

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

30 Section 4JJ. (a) For the purposes of this section, “Long-term antibiotic therapy” and
31 “Lyme disease” shall have the same mean as ascribed to them in section 12DD of chapter 112.

32 (b) A subscription certificate under an individual or group medical service agreement
33 delivered, issued or renewed within the commonwealth shall provide coverage for long-term
34 antibiotic therapy for a patient with Lyme disease when determined to be medically necessary
35 and ordered by a licensed physician after making a thorough evaluation of the patient’s
36 symptoms, diagnostic test results, or response to treatment. An experimental drug shall be
37 covered as a long-term antibiotic therapy if it is approved for any indication by the United States
38 Food and Drug Administration; provided, however, that a drug, including an experimental drug,
39 shall be covered for an off-label use in the treatment of Lyme disease if the drug has been
40 approved by the United States Food and Drug Administration.

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

43 Section 4BB. (a) For the purposes of this section, “Long-term antibiotic therapy” and
44 “Lyme disease” shall have the same mean as ascribed to them in section 12DD of chapter 112.

45 (b) An individual or group health maintenance contract shall provide coverage for long-
46 term antibiotic therapy for a patient with Lyme disease when determined to be medically
47 necessary and ordered by a licensed physician after making a thorough evaluation of the patient’s
48 symptoms, diagnostic test results, or response to treatment. An experimental drug shall be
49 covered as a long-term antibiotic therapy if it is approved for any indication by the United States
50 Food and Drug Administration; provided, however, that a drug, including an experimental drug,

51 shall be covered for an off-label use in the treatment of Lyme disease if the drug has been
52 approved by the United States Food and Drug Administration.

53 SECTION 5. This act shall take effect as of July 1, 2016.