

HOUSE BILL 290

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By: **Delegates Pena–Melnyk, Montgomery, Benson, Costa, Donoghue, Frush, Hecht, Hubbard, Kipke, Krebs, Kullen, McDonough, Nathan–Pulliam, Oaks, Riley, Tarrant, and V. Turner**

Introduced and read first time: January 27, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Licensed Physicians – Treatment of Lyme Disease – Discipline**

3 FOR the purpose of authorizing certain licensed physicians to prescribe or dispense
4 certain treatment for certain individuals with Lyme disease if certain
5 requirements are met; altering certain circumstances when the State Board of
6 Physicians may initiate certain disciplinary actions and professional misconduct
7 proceedings against certain licensed physicians; defining certain terms;
8 providing for the enforcement of this Act; providing for the application of this
9 Act; and generally relating to discipline for licensed physicians who provide
10 treatment for Lyme disease.

11 BY adding to
12 Article – Health Occupations
13 Section 14–508
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Health Occupations**

19 **14–508.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
21 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) (I) “CLINICAL DIAGNOSIS” MEANS THE OBSERVATION OF**
2 **SIGNS AND SYMPTOMS COMPATIBLE WITH ACUTE INFECTION OR OTHER**
3 **CHRONIC MANIFESTATIONS OF LYME DISEASE BY A LICENSED PHYSICIAN.**

4 **(II) “CLINICAL DIAGNOSIS” INCLUDES THE OBSERVATION**
5 **OF SURVEILLANCE CRITERIA SET FORTH BY THE UNITED STATES CENTERS FOR**
6 **DISEASE CONTROL AND PREVENTION.**

7 **(3) (I) “LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL**
8 **THERAPY” MEANS THE ADMINISTRATION OF ORAL, INTRAMUSCULAR, OR**
9 **INTRAVENOUS ANTIBIOTICS OR ANTIMICROBIAL MEDICATIONS FOR A PERIOD**
10 **GREATER THAN 4 WEEKS.**

11 **(II) “LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL**
12 **THERAPY” INCLUDES SEPARATE AND COMBINATION ADMINISTRATION OF**
13 **ANTIBIOTIC AND ANTIMICROBIAL MEDICATIONS.**

14 **(4) “LYME DISEASE” MEANS AN ACUTE INFECTION WITH**
15 **BORRELIA BURGDORFERI OR RELATED BORRELIOSIS.**

16 **(5) “RELATED TICK-BORNE ILLNESS” MEANS BARTONELLOSIS,**
17 **BABESIOSIS, OR PIROPLASMOSIS, OR OTHER TICK-TRANSMITTABLE ILLNESS**
18 **THAT MAY BE ASSOCIATED WITH LYME DISEASE.**

19 **(6) “THERAPEUTIC PURPOSE” MEANS THE USE OF ANTIBIOTICS**
20 **TO CONTROL THE SYMPTOMS OF LYME DISEASE AND OTHER RELATED**
21 **TICK-BORNE ILLNESSES AFTER CLINICAL DIAGNOSIS.**

22 **(B) THIS SECTION MAY NOT BE ENFORCED IF THE CENTERS FOR**
23 **DISEASE CONTROL AND PREVENTION HAS ISSUED AN OPINION**
24 **RECOMMENDING THAT LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY**
25 **NOT BE USED IN THE TREATMENT OF LYME DISEASE.**

26 **(C) IF AN INDIVIDUAL’S CLINICAL DIAGNOSIS AND TREATMENT PLAN**
27 **ARE DOCUMENTED IN THE INDIVIDUAL’S MEDICAL RECORD, A LICENSED**
28 **PHYSICIAN MAY PRESCRIBE OR DISPENSE LONG-TERM ANTIBIOTIC OR**
29 **ANTIMICROBIAL THERAPY FOR THERAPEUTIC PURPOSES TO THE INDIVIDUAL.**

30 **(D) IF A LICENSED PHYSICIAN PRESCRIBES OR DISPENSES LONG-TERM**
31 **ANTIBIOTIC OR ANTIMICROBIAL THERAPY UNDER SUBSECTION (B) OF THIS**
32 **SECTION, THE LICENSED PHYSICIAN MAY NOT BE SUBJECT TO A PROFESSIONAL**
33 **MISCONDUCT PROCEEDING OR A DISCIPLINARY ACTION BY THE BOARD.**

1 **(E) THIS SECTION DOES NOT PROHIBIT THE BOARD FROM DENYING,**
2 **REVOKING, OR SUSPENDING A LICENSE, DISCIPLINING, OR INITIATING A**
3 **PROFESSIONAL MISCONDUCT PROCEEDING AGAINST A LICENSED PHYSICIAN:**

4 **(1) FOR PRESCRIBING OR DISPENSING LONG-TERM ANTIBIOTIC**
5 **OR ANTIMICROBIAL THERAPY FOR A NONTHERAPEUTIC PURPOSE;**

6 **(2) FOR FAILING TO MONITOR THE ONGOING CARE OF AN**
7 **INDIVIDUAL RECEIVING LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY;**

8 **(3) FOR FAILING TO KEEP COMPLETE AND ACCURATE RECORDS**
9 **OF THE CLINICAL DIAGNOSIS AND TREATMENT OF AN INDIVIDUAL RECEIVING**
10 **LONG-TERM ANTIBIOTIC OR ANTIMICROBIAL THERAPY; OR**

11 **(4) FOR PRESCRIBING THE INCORRECT ANTIBIOTIC TO TREAT**
12 **THE DIAGNOSED CONDITION OF THE PATIENT.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
14 applicable disciplinary actions and professional misconduct proceedings pending on or
15 before the effective date of this Act and all proceedings initiated thereafter.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2010.