

**2014 -- H 7123 SUBSTITUTE A AS AMENDED**

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LC003364/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2014**

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - LYME DISEASE DIAGNOSIS AND  
TREATMENT

Introduced By: Representatives Costantino, Ruggiero, Winfield, Keable, and Marshall

Date Introduced: January 16, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 5-37.5 of the General Laws entitled "Lyme Disease Diagnosis and  
2 Treatment" is hereby amended by adding thereto the following section:

3           **5-37.5-6. Lyme disease testing information disclosure. -- (a) Every physician or his/her**  
4 in-office designee who orders a laboratory test for the presence of Lyme disease shall provide to  
5 the patient or his/her legal representative the following information.

6           "ACCORDING TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION,  
7 AS OF 2011 LYME DISEASE IS THE SIXTH FASTEST GROWING DISEASE IN THE  
8 UNITED STATES.

9           YOUR HEALTH CARE PROVIDER HAS ORDERED A LABORATORY TEST FOR  
10 THE PRESENCE OF LYME DISEASE FOR YOU. CURRENT LABORATORY TESTING  
11 FOR LYME DISEASE CAN BE PROBLEMATIC AND STANDARD LABORATORY TESTS  
12 OFTEN RESULT IN FALSE NEGATIVE RESULTS, AND IF DONE TOO EARLY, YOU  
13 MAY NOT HAVE PRODUCED ENOUGH ANTIBODIES TO BE CONSIDERED POSITIVE  
14 BECAUSE YOUR IMMUNE RESPONSE REQUIRES TIME TO DEVELOP ANTIBODIES. IF  
15 YOU ARE TESTED FOR LYME DISEASE AND THE RESULTS ARE NEGATIVE THIS  
16 DOES NOT NECESSARILY MEAN YOU DO NOT HAVE LYME DISEASE. IF YOU  
17 CONTINUE TO EXPERIENCE SYMPTOMS, YOU SHOULD CONTACT YOUR HEALTH  
18 CARE PROVIDER AND INQUIRE ABOUT THE APPROPRIATENESS OF RETESTING OR

1 ADDITIONAL TREATMENT."

2 (b) Physicians shall be immune from civil liability for the provision of the written  
3 information required by this section absent gross negligence or willful misconduct.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would require that a written notice be given to a person who has been referred  
2 for testing for Lyme disease. This act would also provide physicians with immunity from civil  
3 liability for the provision of the written notice, absent gross negligence or willful misconduct.

4           This act would take effect upon passage.

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