S T A T E O F N E W Y O R K

5520

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to authorizing long term antibiotic treatment for certain patients with Lyme disease

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new article 27-I to read as follows:

ARTICLE 27-I

TREATMENT OF LYME DISEASE

SECTION 2798-A. DEFINITIONS.

2798-B. DIAGNOSIS AND TREATMENT OF LYME DISEASE.

S 2798-A. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "BOARD" MEANS THE NEW YORK STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT;

2. "LYME DISEASE" MEANS THE CLINICAL DIAGNOSIS BY A PHYSICIAN OF THE PRESENCE IN A PATIENT OF SIGNS AND SYMPTOMS COMPATIBLE WITH ACUTE INFECTION WITH BORRELIA BURGDORFERI, OR WITH LATE STAGE OR CHRONIC INFECTION WITH BORRELIA BURGDORFERI, OR WITH COMPLICATIONS RELATED TO SUCH AN INFECTION. "LYME DISEASE" INCLUDES INFECTION WHICH MEETS THE SURVEILLANCE CRITERIA SET FORTH BY THE US CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC), BUT ALSO INCLUDES OTHER ACUTE AND CHRONIC MANIFESTATIONS OF SUCH AN INFECTION AS DETERMINED BY THE PHYSICIAN;

3. "PHYSICIAN" MEANS PERSONS LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS CHAPTER BY THE BOARD;

4. "THERAPEUTIC PURPOSE" MEANS THE USE OF ANTIBIOTICS TO CONTROL A PATIENT'S SYMPTOMS DETERMINED BY THE PHYSICIAN AS REASONABLY RELATED TO LYME DISEASE AND ITS SEQUELAE;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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5. "LONG TERM ANTIBIOTIC THERAPY" MEANS ADMINISTRATION OF ORAL, INTRAMUSCULAR OR INTRAVENOUS ANTIBIOTICS, SINGLY OR IN COMBINATION, FOR PERIODS OF GREATER THAN FOUR WEEKS.

S 2798-B. DIAGNOSIS AND TREATMENT OF LYME DISEASE. (A) A LICENSED PHYSICIAN MAY PRESCRIBE, ADMINISTER OR DISPENSE LONG-TERM ANTIBIOTIC THERAPY TO A PATIENT FOR A THERAPEUTIC PURPOSE THAT ELIMINATES SUCH INFECTION OR CONTROLS A PATIENT'S SYMPTOMS UPON MAKING A CLINICAL DIAGNOSIS THAT SUCH PATIENT HAS LYME DISEASE OR DISPLAYS SYMPTOMS CONSISTENT WITH A CLINICAL DIAGNOSIS OF LYME DISEASE, PROVIDED SUCH CLINICAL DIAGNOSIS AND TREATMENT ARE DOCUMENTED IN THE PATIENT'S MEDICAL RECORDS BY SUCH LICENSED PHYSICIAN. NO PHYSICIAN SHALL BE SUBJECT TO DISCIPLINARY ACTION BY THE BOARD SOLELY FOR PRESCRIBING, ADMINISTERING OR DISPENSING LONG-TERM ANTIBIOTIC THERAPY FOR A THERAPEUTIC PURPOSE FOR A PATIENT CLINICALLY DIAGNOSED WITH LYME DISEASE, IF SUCH DIAGNOSIS AND TREATMENT PLAN HAS BEEN DOCUMENTED IN THE PHYSICIAN'S MEDICAL RECORD FOR THAT PATIENT.

(B) NOTHING IN THIS SECTION DENIES THE RIGHT OF THE BOARD TO DENY, REVOKE, OR SUSPEND THE LICENSE OF ANY PHYSICIAN OR DISCIPLINE ANY PHYSICIAN WHO PRESCRIBES, ADMINISTERS, OR DISPENSES LONG-TERM ANTIBIOTIC THERAPY FOR A NON-THERAPEUTIC PURPOSE, OR WHO FAILS TO MONITOR THE ONGOING CARE OF A PATIENT RECEIVING LONG-TERM ANTIBIOTIC THERAPY, OR WHO FAILS TO KEEP COMPLETE AND ACCURATE ONGOING RECORDS OF THE DIAGNOSIS AND TREATMENT OF A PATIENT RECEIVING LONG-TERM ANTIBIOTIC THERAPY.

S 2. This act shall take effect immediately.