

7558--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. BARRETT, RUSSELL, JAFFEE, HIKIND, GALEF, GOTTFRIED, ROBERTS, COOK, RAIA, McLAUGHLIN, SIMANOWITZ, CAHILL, SKOUFIS -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, CROUCH, GLICK, MAYER, RIVERA, SKARTADOS, TENNEY, THIELE, WEISENBERG -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Legislative findings and intent. Lyme disease is an
2 infection transmitted to humans by ticks at epidemic proportions. Based
3 on New York state department of health figures, over 50,000 state resi-
4 dents contracted Lyme disease in 2012 alone. In the case of Lyme
5 disease, the practice of medicine has not kept pace with research
6 advances on the biological agents responsible for the disease symptoms.
7 Outdated and disputed diagnostic and treatment guidelines prevent many
8 of those afflicted from receiving evidenced-based treatment options that
9 could mean the difference between a healthy life and one of chronic pain
10 and progressive disability. Where science and medicine are evolving,
11 patients' rights must be paramount. Patients with Lyme disease should
12 have the same rights as those with other diseases. They must have the
13 right to be seen and treated by the practitioner of their choice, have
14 the right to be informed that there are differing professional judgments
15 about appropriate care for Lyme disease, and to participate in the
16 choice of treatment as it pertains to their circumstance and preference.
17 The rights of the patients hinge upon the ability of the practitioner to
18 act in the best interest of the patient without fear of reprisal from
19 the professional discipline system when more than one set of guidelines

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

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1 exist. This legislation intends to protect the rights of patients to
2 access evidence-based treatment options for Lyme disease, in New York.

3 S 2. The public health law is amended by adding a new section 230-e to
4 read as follows:

5 S 230-E. DIAGNOSIS AND TREATMENT OF LYME DISEASE. 1. FOR THE PURPOSES
6 OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

7 (A) "LYME DISEASE" MEANS THE PROFESSIONAL CLINICAL DIAGNOSIS OF THE
8 PRESENCE IN A PATIENT OF SIGNS AND SYMPTOMS COMPATIBLE WITH ACUTE
9 INFECTION WITH BORRELIA BURGDORFERI, OR WITH LATE STAGE OR CHRONIC
10 INFECTION WITH BORRELIA BURGDORFERI, OR WITH COMPLICATIONS RELATED TO
11 SUCH AN INFECTION. "LYME DISEASE" INCLUDES INFECTION WHICH MEETS THE
12 SURVEILLANCE CRITERIA SET FORTH BY THE US CENTERS FOR DISEASE CONTROL
13 AND PREVENTION (CDC), BUT ALSO INCLUDES OTHER ACUTE AND CHRONIC MANIFES-
14 TATIONS OF SUCH AN INFECTION AS DETERMINED BY A DIAGNOSING HEALTH CARE
15 PROFESSIONAL.

16 (B) "LONG TERM ANTIBIOTIC THERAPY" MEANS ADMINISTRATION OF ORAL,
17 INTRAMUSCULAR OR INTRAVENOUS ANTIBIOTICS, SINGLY OR IN COMBINATION, FOR
18 PERIODS OF GREATER THAN FOUR WEEKS.

19 (C) "HEALTH CARE PROFESSIONAL" MEANS A HEALTH CARE PROFESSIONAL
20 AUTHORIZED TO PRACTICE UNDER TITLE EIGHT OF THE EDUCATION LAW, ACTING
21 WITHIN THE LAWFUL SCOPE OF HIS OR HER PRACTICE.

22 2. A HEALTH CARE PROFESSIONAL MAY PRESCRIBE, ADMINISTER, OR DISPENSE
23 ANTIBIOTIC THERAPY TO A PATIENT IN ORDER TO ELIMINATE SUCH INFECTION OR
24 CONTROL A PATIENT'S SYMPTOMS UPON MAKING A CLINICAL DIAGNOSIS OF LYME
25 DISEASE. NO HEALTH CARE PROFESSIONAL SHALL BE SUBJECT TO PROFESSIONAL
26 DISCIPLINE UNDER THIS ARTICLE OR TITLE EIGHT OF THE EDUCATION LAW FOR
27 PRESCRIBING, ADMINISTERING OR DISPENSING LONG-TERM ANTIBIOTIC THERAPY OR
28 OTHER CARE THAT THE HEALTH CARE PROFESSIONAL DETERMINES TO BE REASONABLE
29 AND INTENDED TO BENEFIT A PATIENT CLINICALLY DIAGNOSED WITH LYME
30 DISEASE.

31 S 3. This act shall take effect immediately and shall apply to any
32 professional discipline matter or administrative or judicial review
33 thereof pending on or after the date on which this act takes effect.