

7558

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. BARRETT -- read once and referred 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:

1 Section 1. The public health law is amended by adding a new article
2 27-I to read as follows:

3 ARTICLE 27-I

4 TREATMENT OF LYME DISEASE

5 SECTION 2798-A. DEFINITIONS.

6 2798-B. DIAGNOSIS AND TREATMENT OF LYME DISEASE.

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

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

11 2. "LYME DISEASE" MEANS THE CLINICAL DIAGNOSIS BY A PHYSICIAN OF THE
12 PRESENCE IN A PATIENT OF SIGNS AND SYMPTOMS COMPATIBLE WITH ACUTE
13 INFECTION WITH BORRELIA BURGDOFFERII, OR WITH LATE STAGE OR CHRONIC
14 INFECTION WITH BORRELIA BURGDOFFERII, OR WITH COMPLICATIONS RELATED TO
15 SUCH AN INFECTION. "LYME DISEASE" INCLUDES INFECTION WHICH MEETS THE
16 SURVEILLANCE CRITERIA SET FORTH BY THE US CENTERS FOR DISEASE CONTROL
17 AND PREVENTION (CDC), BUT ALSO INCLUDES OTHER ACUTE AND CHRONIC MANIFES-
18 TATIONS OF SUCH AN INFECTION AS DETERMINED BY THE PHYSICIAN;

19 3. "PHYSICIAN" MEANS PERSONS LICENSED PURSUANT TO ARTICLE ONE HUNDRED
20 THIRTY-ONE OF THE EDUCATION LAW BY THE BOARD;

21 4. "THERAPEUTIC PURPOSE" MEANS THE USE OF ANTIBIOTICS TO CONTROL A
22 PATIENT'S SYMPTOMS DETERMINED BY THE PHYSICIAN AS REASONABLY RELATED TO
23 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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1 5. "LONG TERM ANTIBIOTIC THERAPY" MEANS ADMINISTRATION OF ORAL, INTRA-
2 MUSCULAR OR INTRAVENOUS ANTIBIOTICS, SINGLY OR IN COMBINATION, FOR PERI-
3 ODS OF GREATER THAN FOUR WEEKS.

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

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

24 S 2. This act shall take effect immediately.