

STATE LAW

KNOW YOUR RIGHTS

The following pages are those portions of state law that directly affect the treatment of Lyme disease in Massachusetts. As with all the pages of the “Stop Lyme” handbook, these pages are for information only. If you have a specific legal problem regarding medical treatment, please see an attorney.

To summarize, the laws state:

For physicians: Mass General Law Chapter 112, Section 12DD allows licensed physicians to prescribe antibiotic treatment for Lyme disease for longer than 4 weeks.

For patients: Mass General Laws Chapter 175, Section 47HH; Chapter 176A, Section 8JJ; Chapter 176B, Section 4JJ; and Chapter 176G, Section 4BB mandate that antibiotic treatment of Lyme disease must be covered by the various types of insurance policies described in each section, no matter how long the treatment lasts, when prescribed by a licensed physician.

NOTE: The laws do not cover non-antibiotic treatments, prescriptions by physician assistants or nurse practitioners, or prescriptions for tick-borne diseases other than Lyme disease. The physician need not be licensed in Massachusetts for the insurance law to apply. Some health insurance policies are not covered by these statutes, but may cover long-term antibiotics anyway. Call your representative.

Mass General Laws, Part I, Title, XVI, Chapter 112, Concerning administration of long-term antibiotic therapy upon diagnosis of Lyme disease

Section 12DD: Administration of long-term antibiotic therapy upon diagnosis of Lyme disease

Section 12DD. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Long-term antibiotic therapy", the administration of oral, intramuscular or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks.

"Lyme disease", the clinical diagnosis of a patient by a physician licensed under section 2 of the presence of signs or symptoms compatible with acute infection with *Borrelia burgdorferi*; late stage, persistent or chronic infection with *Borrelia burgdorferi*; complications related to such infection; or with such other strains of *Borrelia* that become identified or recognized by the National Centers for Disease Control and Prevention as a cause of Lyme disease; provided, however, that "Lyme disease" shall also include an infection that meets the surveillance criteria set forth by the National Centers for Disease Control and Prevention and a clinical diagnosis of Lyme disease that does not meet the National Centers for Disease Control and Prevention surveillance criteria but presents other acute and chronic signs or symptoms of Lyme disease as determined by the treating physician; and provided further, that clinical diagnosis shall be based on knowledge obtained through medical history and physical examination only or in conjunction with testing that provides supportive data for such clinical diagnosis.

(b) A licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose to eliminate infection or to control a patient's symptoms upon making a clinical diagnosis that the patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme disease, if such clinical diagnosis and treatment are documented in the patient's medical record by the prescribing licensed physician.

Mass General Laws, Part 1, Title XXII, Concerning coverage for long-term antibiotic therapy for Lyme disease

Chapter 175, Section 47HH: Coverage for long-term antibiotic therapy for patients with Lyme disease

[Text of section added by 2016, 183, Sec. 1 effective July 1, 2016. See 2016, 183, Sec. 5.]

Section 47HH. (a) For the purposes of this section, "long-term antibiotic therapy" and "Lyme disease" shall have the meaning ascribed to them in section 12DD of chapter 112.

(b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth that provides medical expense coverage shall provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a licensed physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. An experimental drug shall be covered as a long-term antibiotic therapy if it is approved for an indication by the United States Food and Drug Administration; provided, however, that a drug, including an experimental drug, shall be covered for an off-label use in the treatment of Lyme disease if the drug has been approved by the United States Food and Drug Administration.

Chapter 176A, Section 8JJ: Coverage for long-term antibiotic therapy for patients with Lyme disease

[Text of section added by 2016, 183, Sec. 2 effective July 1, 2016. See 2016, 183, Sec. 5.]

Section 8JJ. (a) For the purposes of this section, "long-term antibiotic therapy" and "Lyme disease" shall have the meaning ascribed to them in section 12DD of chapter 112.

(b) A contract between a subscriber and the corporation under an individual or group hospital service plan that is delivered, issued or renewed within the commonwealth shall provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a licensed physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. An experimental drug shall be covered as a long-term antibiotic therapy if it is approved for an indication by the United States Food and Drug Administration; provided, however, that a drug, including an experimental drug, shall be

covered for an off-label use in the treatment of Lyme disease if the drug has been approved by the United States Food and Drug Administration.

Chapter 176B, Section 4JJ: Coverage for long-term antibiotic therapy for patients with Lyme disease

[Text of section added by 2016, 183, Sec. 3 effective July 1, 2016. See 2016, 183, Sec. 5.]

Section 4JJ. (a) For the purposes of this section, "long-term antibiotic therapy" and "Lyme disease" shall have the meaning ascribed to them in section 12DD of chapter 112.

(b) A subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth shall provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a licensed physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. An experimental drug shall be covered as a long-term antibiotic therapy if it is approved for an indication by the United States Food and Drug Administration; provided, however, that a drug, including an experimental drug, shall be covered for an off-label use in the treatment of Lyme disease if the drug has been approved by the United States Food and Drug Administration.

Chapter 176G, Section 4BB: Coverage for long-term antibiotic therapy for patients with Lyme disease

[Text of section added by 2016, 183, Sec. 4 effective July 1, 2016. See 2016, 183, Sec. 5.]

Section 4BB. (a) For the purposes of this section, "Long-term antibiotic therapy" and "Lyme disease" shall have the meaning ascribed to them in section 12DD of chapter 112.

(b) An individual or group health maintenance contract shall provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a licensed physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. An experimental drug shall be covered as a long-term antibiotic therapy if it is approved for an indication by the United States Food and Drug Administration; provided, however, that a drug, including an experimental drug, shall be covered for an off-label use in the treatment of Lyme disease if the drug has been approved by the United States Food and Drug Administration.