

1 H.90

2 Introduced by Representatives Howrigan of Fairfield, Dakin of Chester,  
3 Donahue of Northfield, Keenan of St. Albans City, Krebs of  
4 South Hero and Spengler of Colchester

5 Referred to Committee on

6 Date:

7 Subject: Health; Lyme disease

8 Statement of purpose: This bill proposes to allow a licensed physician to  
9 prescribe, administer, or dispense long-term antibiotic therapy for the purpose  
10 of eliminating or controlling a patient's Lyme disease.

11 An act relating to Lyme disease

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS

14 The general assembly finds:

15 (1) Lyme disease, caused by one or more borrelia species of spirochete  
16 bacteria, is increasingly widespread in Vermont and has become endemic in  
17 most counties of the state.

18 (2) Lyme disease is the fastest growing vector-borne disease in  
19 Vermont.

1           (3) Lyme disease may be successfully treated with a short-term course  
2 of antibiotics if it is diagnosed early; however, some patients whose Lyme  
3 disease is not identified early develop severe and complex symptoms that  
4 require more aggressive treatment as acknowledged by the Centers for Disease  
5 Control and Prevention.

6           (4) Treatment of Lyme disease needs to be tailored to the individual  
7 patient, and there is a range of opinions within the medical community  
8 regarding proper treatment of Lyme disease.

9       Sec. 2. PURPOSE

10       The purpose of this act is to ensure that patients have access to treatment for  
11 Lyme disease in accordance with their needs and the clinical judgment of their  
12 physicians.

13       Sec. 3. 18 V.S.A. chapter 39 is added to read:

14                               CHAPTER 39. LYME DISEASE

15       § 1771. DEFINITIONS

16       As used in this chapter:

17           (1) “Long-term antibiotic therapy” means the administration of oral,  
18 intramuscular, or intravenous antibiotics singly or in combination, for such  
19 periods of time as decided by the attending physician.

20           (2) “Lyme disease” means the clinical diagnosis of a patient by a  
21 physician licensed under chapter 23 of Title 26 of the presence of signs or

1 symptoms compatible with acute infection with borrelia burgdorferi; late stage,  
2 persistent, or chronic infection with borrelia burgdorferi; complications related  
3 to that infection; or with such other strains of borrelia that are identified or  
4 recognized by the Centers for Disease Control and Prevention as a cause of  
5 Lyme disease. “Lyme disease” shall also mean either an infection that meets  
6 the surveillance criteria set forth by the Centers for Disease Control and  
7 Prevention or a clinical diagnosis of Lyme disease that does not meet the  
8 surveillance criteria but presents other acute and chronic signs or symptoms of  
9 Lyme disease as determined by a physician. The clinical diagnosis shall be  
10 based on knowledge obtained through medical history and physical  
11 examination only in conjunction with testing that provides supportive data for  
12 the clinical diagnosis.

13 (3) “Surveillance criteria” means the set of case definition standards  
14 established by the Centers for Disease Control and Prevention (CDC) for the  
15 purposes of consistency in research, or for evaluating trends in the spread of  
16 various diseases, but which the CDC does not intend to be diagnostic criteria at  
17 the clinical level.

18 § 1772. LYME DISEASE TREATMENT

19 A licensed physician may prescribe, administer, or dispense long-term  
20 antibiotic therapy for the purpose of eliminating or controlling a patient’s  
21 infection or symptoms upon making a clinical diagnosis that the patient has

1 Lyme disease or displays symptoms consistent with a clinical diagnosis of  
2 Lyme disease, and by documenting the diagnosis and treatment in the patient's  
3 medical records.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.