

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act Relative to Tick Born Illness

*Be it enacted by the Senate and House of Representatives in the General Court Assembled,
And by the authority of the same, as follows:*

1 **SECTION 1.** This law shall be known as the Hargraves, Hayes and Hewitt Act.

2

3 **SECTION 2.** Chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby
4 amended by inserting after section 12CC the following section:-

5 Section.12DD. As used in this section, long-term antibiotic therapy shall be the administration of oral,
6 intramuscular or intravenous antibiotics singly or in combination, for periods of time in excess of 4
7 weeks. Lyme disease is the clinical diagnosis by a physician licensed under section 2 of chapter 112 of
8 the presence in a patient of signs or symptoms compatible with acute infection with *Borrelia burgdorferi*
9 or with late stage or persistent or chronic infection with *Borrelia burgdorferi* or with complications
10 related to such infection or with such other strains of *Borrelia* that after adoption of this bill, are
11 recognized by the national Centers for Disease Control and Prevention (CDC) as a cause of Lyme
12 disease. Lyme disease includes an infection that meets the surveillance criteria set forth by said CDC,
13 and it also includes a clinical diagnosis of Lyme disease that does not meet the CDC surveillance criteria
14 but includes other acute and chronic signs and/or symptoms of Lyme disease as determined by the
15 treating physician. Such clinical diagnosis is based on knowledge obtained through medical history and
16 physical examination alone, or in conjunction with testing that provides supportive data for such clinical
17 diagnosis.

18 A licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic
19 purpose that eliminates such infection or controls a patient's symptoms upon making a clinical diagnosis
20 that such patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme
21 disease, provided such clinical diagnosis and treatment are documented in the patient's medical record by
22 such licensed physician.

23 No physician shall be subject to disciplinary action by the Board of Registration in Medicine solely for
24 prescribing, administering or dispensing long term antibiotic therapy for a therapeutic purpose for a
25 patient clinically diagnosed with Lyme disease if the diagnosis and treatment has been documented by the
26 treating physician in the physician's medical record for that patient.”

27 **SECTION 3.** This act shall take effect 90 days after passage.