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**HOUSE BILL NO. 897**

Offered January 13, 2010

Prefiled January 13, 2010

*A BILL to amend and reenact § 32.1-35 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-3408.2, relating to Lyme disease; reporting and treatment.*

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 Patron—Comstock
 

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 Referred to Committee on Health, Welfare and Institutions
 

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**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-35 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3408.2 as follows:**

§ 32.1-35. List and reports of diseases and dangerous microbes and pathogens.

The Board shall promulgate from time to time a list of diseases, including diseases caused by exposure to any toxic substance as defined in § 32.1-239 and including diseases that may be caused by exposure to an agent or substance that has the potential for use as a weapon, that shall be required to be reported. The Board shall also promulgate from time to time a list of dangerous microbes and pathogens that shall be required to be reported by laboratories. The Board may classify such diseases, microbes and pathogens and prescribe the manner and time of such reporting.

*The Board shall include Lyme disease on the list of diseases required to be reported. For the purposes of this section, "Lyme disease" means an infection caused by the bacteria *Borrelia burgdorferi*, which is transmitted to humans through tick bites.*

§ 54.1-3408.2. Prescription for long-term antibiotic use for Lyme disease.

A. A licensed physician may prescribe, administer or dispense long-term antibiotic therapy to a patient for a therapeutic purpose that eliminates such infection or controls a patient's symptoms upon making a clinical diagnosis that such patient has Lyme disease, or displays symptoms consistent with a clinical diagnosis of Lyme disease, provided such clinical diagnosis and treatment are documented in the patient's medical record by such licensed physician. The Board of Medicine shall not initiate a disciplinary action against a licensed physician and such physician shall not be subject to disciplinary action by the Board of Medicine solely for prescribing, administering, or dispensing long-term antibiotic therapy to a patient clinically diagnosed with Lyme disease, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed physician.

B. Nothing in this section shall be construed to grant any person immunity from investigation or disciplinary action for any other violation of this title.

C. For the purposes of this section:

"Long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics, singly or in combination, for periods of time in excess of four weeks; and

"Lyme disease" means the clinical diagnosis by a licensed physician of the presence in a patient of signs or symptoms compatible with acute infection with *Borrelia burgdorferi*; or with late stage or persistent or chronic infection with *Borrelia burgdorferi*, or with complications related to such an infection; or such other strains of *Borrelia* that are recognized by the National Centers for Disease Control and Prevention as a cause of Lyme disease. Lyme disease includes an infection that meets the surveillance criteria set forth by the National Centers for Disease Control and Prevention, and other acute and chronic manifestations of such an infection as determined by a licensed physician pursuant to a clinical diagnosis that is based on knowledge obtained through medical history and physical examination alone, or in conjunction with testing that provides supportive data for such clinical diagnosis.

INTRODUCED

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