

ASSEMBLY, No. 2568

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MARCH 16, 2010

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

SYNOPSIS

Permits physicians to prescribe, dispense, or administer antibiotics long-term for treatment of Lyme disease under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



A2568 CHIVUKULA

2

1 AN ACT concerning the long-term use of antibiotics for the
2 treatment of Lyme disease and supplementing Title 45 of the
3 Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. a. A physician licensed to practice medicine and surgery in
9 this State may prescribe, administer, or dispense long-term
10 antibiotic therapy to a patient for a therapeutic purpose that
11 eliminates Lyme disease or controls a patient's symptoms based on:

12 (1) the patient's medical history and a physical examination
13 performed by the physician; and

14 (2) a clinical diagnosis made by the physician that the patient
15 has Lyme disease or displays symptoms consistent with a clinical
16 diagnosis of Lyme disease.

17 The patient's diagnosis and treatment shall be documented in the
18 patient's medical record.

19 b. The Board of Medical Examiners shall not initiate
20 disciplinary action against a physician, and the physician shall not
21 be subject to disciplinary action by the board, solely for prescribing,
22 administering, or dispensing long-term antibiotic therapy to a
23 patient diagnosed with Lyme disease, provided that the physician
24 has complied with the provisions of this act.

25 Nothing in this subsection shall be construed to preclude the
26 board from taking disciplinary action against a physician pursuant
27 to sections 8, 9, and 12 of P.L.1978, c.73 (C.45:1-21, C.45:1-22,
28 and C.45:1-25), for other reasons, as the board deems appropriate.

29 c. As used in this act, "long-term antibiotic therapy" means the
30 administration of oral, intramuscular, or intravenous antibiotics,
31 singly or in combination, for periods of time in excess of four
32 weeks.

33

34 2. This act shall take effect on the 60th day after the date of
35 enactment.

36

37

38

STATEMENT

39

40 This bill provides that a licensed physician may prescribe,
41 administer, or dispense long-term antibiotic therapy to a patient
42 who either has been clinically diagnosed with having Lyme disease
43 or displays symptoms consistent with a clinical diagnosis of Lyme
44 disease, based on the patient's medical history and a physical
45 examination performed by the physician. The patient's diagnosis
46 and treatment must also be documented in the patient's medical
47 record.

A2568 CHIVUKULA

1 Under the bill, provided that the physician has reviewed the
2 patient's medical history and performed a physical examination, the
3 State Board of Medical Examiners cannot initiate disciplinary
4 action against the physician, and the physician will not be subject to
5 disciplinary action by the board, solely for prescribing,
6 administering, or dispensing long-term antibiotic therapy. This bill,
7 however, does not preclude the board from taking disciplinary
8 action against a physician for other reasons, as the board deems
9 appropriate.

10 The bill defines "long-term antibiotic therapy" as the
11 administration of oral, intramuscular, or intravenous antibiotics,
12 singly or in combination, for periods of time in excess of four
13 weeks.

14 In June 2009, Connecticut enacted similar legislation, Public Act
15 No. 09-128, which allows a physician to prescribe, administer, or
16 dispense long-term antibiotic therapy to a patient for a therapeutic
17 purpose that eliminates Lyme disease or controls a patient's
18 symptoms.