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

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

1. a. A physician licensed to practice medicine and surgery in
this State may prescribe, administer, or dispense long-term
antibiotic therapy to a patient for a therapeutic purpose that
eliminates Lyme disease or controls a patient’s symptoms based on:
    (1) the patient’s medical history and a physical examination
        performed by the physician; and
    (2) a clinical diagnosis made by the physician that the patient
        has Lyme disease or displays symptoms consistent with a clinical
        diagnosis of Lyme disease.
        The patient’s diagnosis and treatment shall be documented in the
        patient’s medical record.

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

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

c. As used in this act, “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.

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

STATEMENT

This bill provides that a licensed physician may prescribe,
administer, or dispense long-term antibiotic therapy to a patient
who either has been clinically diagnosed with having Lyme disease
or displays symptoms consistent with a clinical diagnosis of Lyme
disease, based on the patient’s medical history and a physical
examination performed by the physician. The patient’s diagnosis
and treatment must also be documented in the patient’s medical
record.
Under the bill, provided that the physician has reviewed the patient’s medical history and performed a physical examination, the State Board of Medical Examiners cannot initiate disciplinary action against the physician, and the physician will not be subject to disciplinary action by the board, solely for prescribing, administering, or dispensing long-term antibiotic therapy. This bill, however, does not preclude the board from taking disciplinary action against a physician for other reasons, as the board deems appropriate.

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

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