

# MedChi

*The Maryland State Medical Society*

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TO: The Honorable Peter A. Hammen, Chairman  
Members, House Health & Government Operations Committee  
The Honorable Joseline Pena-Melnyk

FROM: Joseph A. Schwartz, III  
Pamela Metz Kasemeyer  
J. Steven Wise

DATE: February 11, 2010

RE: **OPPOSE** – House Bill 290 – *Licensed Physicians – Treatment of Lyme Disease – Discipline*

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The Maryland State Medical Society (MedChi), which represents over 7,300 Maryland physicians and their patients, opposes House Bill 290.

House Bill 290 prohibits the Board of Physicians from disciplining a physician who prescribes or dispenses long term antibiotics (greater than 4 weeks) or antimicrobial therapy to a patient with lyme disease. MedChi opposes this legislation for the following reasons.

MedChi believes this legislation sets a dangerous precedent by authorizing a course of treatment in statute. Moreover, the bill could arguably establish a standard of care which, if not followed, could be evidence of negligence in a medical malpractice case. Treatment decisions are best left to the considered and professional judgment of physicians. If a patient believes that the prescribing of long term antibiotics or the failure to prescribe them was in error, there is a remedy with the Board which allows other professionals to determine whether that decision was correct or not under the specific facts of the case.

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Indeed, nothing currently prohibits a physician from treating a lyme disease patient with long-term antibiotics or therapy. If there is a problem in this respect, MedChi understands that certain insurance companies refuse to cover the treatment outlined in the law for longer than 4 weeks. To the extent a remedy is needed, it may be with the insurance companies.

For these reasons, MedChi opposes House Bill 290.

**For more information call:**

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