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


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.
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.

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