

House File 2289 - Introduced

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BY BODEN

A BILL FOR

1 An Act relating to Lyme disease, including notice and consent
2 provisions required for Lyme disease testing, and continuing
3 education requirements for health care providers.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.194 Lyme disease — laboratory
2 test — notice requirement and content — cause of action —
3 licensee discipline.

4 1. A health care provider who draws the blood of a patient
5 to perform a laboratory test for the presence of Lyme disease
6 or a medical laboratory that performs a laboratory test for the
7 presence of Lyme disease shall provide the following written
8 notice to the patient at the time the patient's blood is drawn:

9 Your health care provider has ordered a laboratory test
10 for the presence of Lyme disease for you. Current laboratory
11 testing for Lyme disease can be problematic and standard
12 laboratory tests often result in false negative and false
13 positive results and, if performed too early, you may not have
14 produced enough antibodies to be considered positive because
15 your immune response requires time to develop antibodies.
16 If you are tested for the presence of Lyme disease and the
17 results are negative, this does not necessarily mean you do not
18 have Lyme disease. If you continue to experience unexplained
19 symptoms, you should contact your health care provider and
20 inquire about the appropriateness of retesting or initial or
21 additional treatment.

22 2. At any time, if the department determines there are
23 significant differences between the content of the notice
24 required by subsection 1 and the most recent medical evidence
25 on Lyme disease testing, the department may adopt rules
26 pursuant to chapter 17A to amend the content of the notice to
27 reflect the most recent medical evidence.

28 3. The provision by a health care provider or medical
29 laboratory of the notice required by this section shall not be
30 the sole basis for a cause of action or licensee discipline.

31 4. For the purposes of this section:

32 a. "Health care provider" means an individual licensed
33 under chapter 148, 148C, 148D, 152, or 152E, or any individual
34 who provides medical services under the authorization of the
35 licensee.

1 *b.* "Medical laboratory" means any facility, entity, or site
2 that offers or performs tests or examinations in connection
3 with the diagnosis and control of human diseases or the
4 assessment of human health, nutritional, or medical conditions.

5 Sec. 2. NEW SECTION. 135.195 Continuing education —
6 treatment strategies for prolonged symptoms due to Lyme disease.

7 Each licensing board for a health care provider as defined in
8 section 135.194 shall develop, and a health care provider shall
9 complete, continuing education requirements regarding treatment
10 strategies to assist patients with prolonged symptoms due to
11 Lyme disease in managing and recovering from these prolonged
12 symptoms.

13 Sec. 3. Section 147.56, Code 2024, is amended to read as
14 follows:

15 147.56 Lyme disease treatment — laboratory testing notice —
16 exemption from licensee discipline.

17 1. A person licensed by a board under this subtitle shall
18 not be subject to discipline under [this chapter](#) or the board's
19 enabling statute based solely on the licensee's recommendation
20 or provision of a treatment method for Lyme disease or other
21 tick-borne disease if the recommendation or provision of such
22 treatment meets all the following criteria:

23 ~~1-~~ a. The treatment is provided after an examination is
24 performed and informed consent is received from the patient.

25 ~~2-~~ b. The licensee identifies a medical reason for
26 recommending or providing the treatment.

27 ~~3-~~ c. The treatment is provided after the licensee informs
28 the patient about other recognized treatment options and
29 describes to the patient the licensee's education, experience,
30 and credentials regarding the treatment of Lyme disease or
31 other tick-borne disease.

32 ~~4-~~ d. The licensee uses the licensee's own medical
33 judgment based on a thorough review of all available clinical
34 information and Lyme disease or other tick-borne disease
35 literature to determine the best course of treatment for the

1 individual patient.

2 5. e. The treatment will not, in the opinion of the
3 licensee, result in the direct and proximate death of or
4 serious bodily injury to the patient.

5 2. A health care provider as defined in section 135.194
6 shall not be subject to licensee discipline under this chapter
7 or the board's enabling statute solely on the basis of the
8 provision of the notice required by section 135.194.

9 Sec. 4. CODE EDITOR DIRECTIVE. The Code editor is directed
10 to create a new subchapter XXXVII in chapter 135 as follows:

11 Subchapter XXXVII shall be entitled "LYME DISEASE TESTING —
12 NOTICE AND CONSENT REQUIREMENTS — CONTINUING EDUCATION" and
13 include sections 135.194 and 135.195.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to notice and consent requirements for
18 testing and treatment of Lyme disease.

19 The bill provides that a health care provider who draws
20 the blood of a patient to perform a laboratory test for
21 the presence of Lyme disease or a medical laboratory that
22 performs a laboratory test for the presence of Lyme disease
23 shall provide the written notice prescribed in the bill to
24 the patient at the time the patient's blood is drawn. The
25 notice must include statements that: current laboratory
26 testing for the presence of Lyme disease can be problematic
27 and standard laboratory tests often result in false negative
28 and false positive results; that if testing is performed too
29 early, the patient may not have produced enough antibodies to
30 be considered positive because the patient's immune response
31 requires time to develop antibodies; that if the patient is
32 tested for the presence of Lyme disease and the results are
33 negative, this does not necessarily mean the patient does
34 not have Lyme disease; and that if the patient continues
35 to experience unexplained symptoms, the patient should

1 contact the patient's health care provider and inquire about
2 the appropriateness of retesting or initial or additional
3 treatment.

4 If at any time the department of health and human services
5 (HHS) finds there are significant differences between the
6 content of the required notice and the most recent medical
7 evidence on Lyme disease testing, HHS may adopt administrative
8 rules to amend the content of the notice to reflect the most
9 recent medical evidence. Additionally, the provision by a
10 health care provider or medical laboratory of the notice
11 required under the bill shall not be the sole basis for a cause
12 of action or licensee discipline.

13 "Health care provider" and "medical laboratory" are defined
14 in the bill.

15 The bill also requires professional licensing boards for
16 health care providers to develop, and health care providers to
17 complete, continuing education requirements regarding treatment
18 strategies to assist patients with prolonged symptoms due to
19 Lyme disease in managing and recovering from these prolonged
20 symptoms.

21 The bill also amends a Code provision relating to Lyme
22 disease treatment and exemption from licensee discipline to
23 provide that a health care provider as defined under the bill
24 shall not be subject to licensee discipline under Code chapter
25 147 (general provisions, health-related professions) or the
26 health licensing board's enabling statute solely on the basis
27 of the provision of the notice required under the bill.