

**House File 2591 - Introduced**

HOUSE FILE 2591  
BY COMMITTEE ON HEALTH AND  
HUMAN SERVICES

(SUCCESSOR TO HF 2289)

**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  
8 in section 135.194 shall develop continuing education  
9 requirements regarding treatment strategies to assist patients  
10 with prolonged symptoms due to Lyme disease in managing and  
11 recovering from these prolonged symptoms.

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

14     147.56 Lyme disease treatment — laboratory testing notice —  
15 exemption from licensee discipline.

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

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

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

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

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

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

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

8 Sec. 4. CODE EDITOR DIRECTIVE. The Code editor is directed  
9 to create a new subchapter XXXVII in chapter 135 as follows:  
10 Subchapter XXXVII shall be entitled "LYME DISEASE TESTING —  
11 NOTICE AND CONSENT REQUIREMENTS — CONTINUING EDUCATION" and  
12 include sections 135.194 and 135.195.

13 EXPLANATION

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

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

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

1 the appropriateness of retesting or initial or additional  
2 treatment.

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

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

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

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