

Rep. Moffett, Merr. 9
Rep. McMahon, Rock. 7
Rep. Saunderson, Merr. 9
Rep. Karrick, Merr. 25
January 22, 2019
2019-0062h
01/10

Amendment to HB 490

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a commission to study the role of clinical diagnosis and the limitations
4 of serological diagnostic tests in determining the presence or absence of Lyme and
5 other tick-borne diseases and available treatment protocols, and appropriate
6 methods for educating physicians and the public about the inconclusive nature of
7 prevailing test methods and available treatment alternatives.
8

9 Amend the bill by replacing all after the enacting clause with the following:

10

11 1 Findings.

12 I. The general court hereby finds that the lack of understanding and agreement on the
13 causes of, and the effectiveness of alternative prevailing tests for, Lyme and other tick-borne
14 diseases, and on the alternatives currently used to treat patients with chronic symptoms after
15 diagnosis of tick-borne diseases, has left patients in a divided world of controversy without adequate
16 access to affordable care. At the same time, the American Medical Association requires that
17 physicians disclose and discuss with patient the risks and benefits of both a proposed treatment and
18 the risks and benefits of available alternative treatments.

19 II. The general court finds that it is in the public interest for the state to encourage
20 development and dissemination of more comprehensive clinician and patient education that
21 highlights diverse symptomology, the expanding geography of infecting ticks, the limitations of
22 current testing procedures and treatment protocols, and the importance of providing patients with
23 accurate information about these testing and treatment limitations and available alternatives. The
24 development of such comprehensive clinician and patient education programs requires the
25 participation of diverse stakeholder groups, including clinicians, research scientists, and patients
26 who represent the spectrum of scientific and medical expertise and perspectives on tick-borne
27 disease.

28 2 New Section; Commission to Study Testing for Lyme and Other Tick-Borne Diseases. Amend
29 RSA 141-C:6 by inserting after section 6 the following new section:

30 141-C:6-a Commission Established.

31 I. There is hereby established a commission to study the use and limitations of serological

Amendment to HB 490
- Page 2 -

1 diagnostic tests to determine the presence or absence of Lyme and other tick-borne diseases and the
2 development of appropriate methods to educate physicians and the public with respect to the
3 inconclusive nature of prevailing test methods.

4 II.(a) The members of the commission shall be as follows:

5 (1) Two members of the house health, human services and elderly affairs
6 committee, one of whom shall be a physician and one of whom shall be a lay person, appointed by
7 the speaker of the house of representatives.

8 (2) One member of the senate who shall be a member of the health and human
9 services committee, appointed by the president of the senate.

10 (3) A representative of the New Hampshire Medical Society who is a member of the
11 Infectious Disease Society of America (IDSA), appointed by the society.

12 (4) A physician licensed under RSA 329 who is certified to treat Lyme disease
13 patients by the International Lyme and Associated Diseases Society (ILADS), appointed by the
14 society.

15 (5) The state epidemiologist, or designee.

16 (6) Two members of the public who have been treated for chronic Lyme and/or
17 other tick-borne diseases, alternatively referred to as Post Treatment Lyme Disease Syndrome
18 (PTLDS), one of whom shall have been a Lyme disease patient for at least 5 years, appointed by the
19 governor.

20 (7) One mental health professional, appointed by the New Hampshire chapter of the
21 National Alliance on Mental Illness (NAMI).

22 (b) Legislative members of the commission shall receive mileage at the legislative rate
23 when attending to the duties of the commission.

24 III. The commission shall:

25 (a) Consider expert studies and testimony on the role of clinical diagnosis, the
26 limitations of serological diagnostic tests, and the complexities presented by co-infections relating to
27 symptomology, diagnosis, and treatment in determining the presence or absence of Lyme and other
28 tick-borne diseases, including at a minimum testing methods recommended respectively by IDSA,
29 ILADS, the Center for Disease Control and Prevention (CDC), and the Tick-Borne Disease Working
30 Group (TBDWG) established under the 21st Century Cures Act of 2016.

31 (b) Consider and make recommendations relative to appropriate methods to educate the
32 medical profession and the public on the inconclusive nature of currently prevailing methods of
33 diagnosing Lyme and other tick-borne diseases based on serological testing, including the use of
34 standard warnings to be delivered to patients by physicians who diagnose and treat patients for
35 Lyme and other tick-borne diseases.

36 (c) Recommend legislation that the commission deems appropriate to address the rising
37 incidence of chronic Lyme and other tick-borne diseases in New Hampshire.

Amendment to HB 490
- Page 3 -

1 IV. The first meeting of the commission shall be called by the first-named house member,
2 who shall serve as chairperson of the commission. The first meeting of the commission shall be held
3 within 45 days of the effective date of this section. The commission shall meet as often as
4 necessary, but no less often than monthly, and shall hear testimony from patients treated for
5 chronic Lyme and other tick-borne diseases, medical practitioners licensed in New Hampshire or
6 other states who diagnose and treat chronic Lyme and other tick-borne diseases, and academic and
7 professional experts experienced in the diagnosis and treatment of such diseases. Five members of
8 the commission shall constitute a quorum.

9 V. The commission shall report its findings and any recommendations for proposed
10 legislation to the speaker of the house of representatives, the president of the senate, the house
11 clerk, the senate clerk, the governor, and the state library on or before December 1, 2019.

12 3 Repeal. RSA 141-C:6-a, relative to a commission to study the use and limitations of
13 serological diagnostic tests to determine the presence or absence of Lyme and other tick-borne
14 diseases and the development of appropriate methods to educate physicians and the public with
15 respect to the inconclusive nature of prevailing test methods, is repealed.

16 4 Effective Date.

17 I. Section 3 of this act shall take effect December 1, 2019.

18 II. The remainder of this act shall take effect upon its passage.

Amendment to HB 490
- Page 4 -

2019-0062h

AMENDED ANALYSIS

This bill establishes a commission to study the use and limitations of serological diagnostic tests to determine the presence or absence of Lyme and other tick-borne diseases and the development of appropriate methods to educate physicians and the public with respect to the inconclusive nature of prevailing test methods.