

## State of Misconsin 2013 - 2014 LEGISLATURE



## 2013 ASSEMBLY BILL 751

February 11, 2014 – Introduced by Representatives Hebl, Sargent, Hulsey, Bies, Wachs, Berceau, Pope and Ohnstad, cosponsored by Senator Miller. Referred to Committee on Health.

AN ACT to renumber and amend 254.52 (1); to amend 254.52 (title); and to create 254.52 (1) (b) and 254.52 (3) of the statutes; relating to: required notices by a health care provider who orders a test for the presence of Lyme disease.

### Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) must conduct various activities related to researching, monitoring, and providing education about the spread and incidence of Lyme disease in humans, including developing and distributing information about Lyme disease through the offices of physicians and local health departments. This bill requires the Department of Health Services (DHS) to create and make available on the Internet a form with a notice for patients who receive certain specified laboratory tests for the presence of Lyme disease. The form must contain a notice informing the patient: 1) about the prevalence of Lyme disease in the United States; 2) about the potential for a false negative or false positive test result for the presence of Lyme disease; and 3) that a patient whose test is negative should contact his or her health care provider about being retested for Lyme disease if the patient continues to experience symptoms. The bill requires a health care provider who orders a specified test for the presence of Lyme disease for a patient to provide the patient with a copy of the form and requires DHS to update the form annually to account for the most recent statistics and for additional tests that are developed to detect the presence of Lyme disease and that warrant the notice.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 254.52 (title) of the statutes is amended to read:

254.52 (title) Lyme disease; treatment, information and research.

**SECTION 2.** 254.52 (1) of the statutes is renumbered 254.52 (1) (intro.) and amended to read:

254.52 (1) (intro.) The department shall perform do all of the following:

(a) Perform research relating to Lyme disease in humans.

**SECTION 3.** 254.52 (1) (b) of the statutes is created to read:

254.52 (1) (b) 1. Create and make available on the Internet a form with the following notice to be provided to patients under sub. (3):

"According to the Centers for Disease Control and Prevention (CDC), as of [YEAR], Lyme disease is the [RANKING] most common disease in the United States, of the diseases that must be reported to the CDC.

Your health care provider has ordered a laboratory test for the presence of Lyme disease for you. Current laboratory testing for Lyme disease can be problematic and standard laboratory tests often result in false negative and false positive results, and if done too early, you may not have produced enough antibodies to be considered positive because your immune response requires time to develop antibodies. If you are tested for Lyme disease, and the results are negative, this does not necessarily mean you do not have Lyme disease. If you continue to experience symptoms, you should contact your health care provider and inquire about the appropriateness of retesting or additional treatment."

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1	2. Annually update the first paragraph of the notice under subd. 1. to reflect
2	current statistics.
3	3. Include in the form under subd. 1. an explanation of the requirement under
4	sub. (3).
5	4. Identify whether any tests for the presence of Lyme disease, in addition to
6	the enzyme-linked immunoabsorbent assay, the immunoflorescent assay, and the
7	western blot test, that are available to patients warrant the notice under subd. 1. and
8	update the form accordingly.
9	5. Translate the form under subd. 1. into Spanish and other languages spoker
10	by a significant number of state residents, as determined by the department, and
11	update and make available each translated form as provided in this paragraph.
12	<b>Section 4.</b> 254.52 (3) of the statutes is created to read:
13	254.52 (3) (a) In this subsection, "laboratory test for the presence of Lyme
14	disease" means the enzyme-linked immunoabsorbent assay, the immunoflorescen-
15	assay, the western blot test, or any additional test identified by the department under
16	sub. $(1)$ $(b)$ 4. as warranting the notice under sub. $(1)$ $(b)$ 1., if the test is being ordered
17	to detect the presence of Lyme disease.
18	(b) A health care provider who orders a laboratory test for the presence of Lyme
19	disease for a patient shall provide to the patient or the patient's legal representative

an up-to-date copy of the form created by the department under sub. (1) (b).

(END)