



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE February 6, 2009

J. Robert Galvin, M.D., M.P.H., M.B.A., Commissioner, (860) 509-7101

House Bill 6200 - An Act Concerning The Use of Long-Term Antibiotics for the Treatment of Lyme Disease

The Department of Public Health opposes House Bill 6200.

House Bill 6200 would amend the statutes to provide that a physician may prescribe, administer or dispense antibiotic therapy for therapeutic purposes to a person diagnosed with and having symptoms of Lyme disease if a diagnosis and treatment plan has been documented in the physician's medical record for that patient, and would prohibit the Department of Public Health from seeking disciplinary action before the Connecticut Medical Examining Board against a physician solely for engaging in this practice.

The current scope of practice of medicine in Connecticut does not necessarily preclude the prescription, administration or dispensing of antibiotic therapy to a person who has been diagnosed with Lyme disease or any other disease or condition. Simply documenting a diagnosis and treatment plan in a patient's medical record is not, however, the sole basis for determining whether an applicable course of treatment is appropriate. The Department does not pursue disciplinary action against physicians solely for prescribing, administering or dispensing antibiotic therapy for therapeutic purposes to a person diagnosed with and having symptoms of Lyme disease or any other disease or condition.

Under the current statutes, the Department investigates complaints involving physician practice. The statutes also identify the grounds for which the Department may seek disciplinary action. The investigative process is designed to gather all relevant information and carefully evaluate the particulars for each case and includes an opportunity for the physician to provide his or her side of the story. In the event that the investigation relates to a particular specialty area, the process also includes consultation with subject matter experts.

Once a decision is made to seek a disciplinary action, the allegations are presented before the Connecticut Medical Examining Board. A formal hearing conducted pursuant to the Uniform Administrative Procedures Act provides the physician with the opportunity to challenge the Department's allegations and offer any and all evidence and testimony to support his or her position. The Board then makes a determination as to whether or not the allegations have been proven and, if applicable, issues a disciplinary finding.

The unintended consequences of this bill will compromise the Department's ability to protect patients with Lyme disease. The proposed bill provides the Department with no flexibility in reviewing complaints and alleged violations, particularly in cases where the care being provided to a patient deviates from current evidence-based practice. National standards for the diagnosis and treatment of various diseases and conditions change from time to time. The practice of medicine is complex, and as such each complaint must be reviewed on a case-by-case basis.

Thank you for your consideration of the Department's views on this bill.

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