

TESTIMONY OF THE MAINE MEDICAL ASSOCIATION

IN OPPOSITION TO

L.D. 1709, AN ACT CONCERNING THE USE OF LONG-TERM ANTIBIOTICS FOR THE TREATMENT OF LYME DISEASE

Joint Standing Committee on Insurance & Financial Services
Room 427, State House, Augusta, Maine
1:00 p.m., Wednesday, January 27, 2010

Good afternoon Senator Bowman, Representative Treat, & Members of the Joint Standing Committee on Insurance & Financial Services. I am Andrew MacLean, Deputy EVP of the MMA, and I am here to express the MMA's opposition to L.D. 1709. The MMA is a professional organization representing more than 3000 physicians, residents, and medical students in Maine whose mission is "to support Maine physicians, advance the quality of medicine in Maine, and promote the health of all Maine citizens."

The appropriate treatment of Lyme disease has been the subject of a vigorous public debate in the medical community for a number of years. I have attached an article from the August 17, 2009 issue of American Medical News that briefly summarizes the history of this debate. This debate has been carried into the Maine legislature as well. In the 123rd Legislature, this committee spent considerable time discussing the merits of L.D. 1521, *An Act to Provide Education Concerning and Insurance Coverage for Lyme Disease*. In the end, the committee changed the bill to a Resolve that directed the Maine Centers for Disease Control & Prevention (CDC), within existing resources, to develop a public education program related to the prevention, diagnosis, and treatment of Lyme disease and other tick-borne illnesses. The Resolve directed the CDC to distribute written educational materials to Maine schools and health care providers, and to update the information and resources on its web site – all with no additional funding. The committee declined to include an insurance mandate in that bill and the MMA believes it appropriate for this committee to reject the insurance mandate as well.

Based upon the comments on this bill received by the MMA, I believe it is the consensus of Maine physicians specializing in infectious disease that promoting and yes, even *legitimizing*, long-term antibiotic therapy for Lyme disease through a health insurance mandate is contrary to evidence-based standards and is a threat to the health of the entire population because of antibiotic resistance. During this committee's consideration of L.D. 1521, members heard a presentation expressing this opinion by Robert Smith, M.D., a specialist in infectious disease who is a nationally recognized expert on Lyme disease.

In short, the consensus view of the infectious disease physicians in Maine is:

- Numerous studies show no benefit of long-term antibiotic therapy for chronic Lyme disease and those who claim benefit are misinterpreting the studies.
- Overuse of antibiotics is harmful to all of us – it contributes to growing antibiotic resistance.
- Those who are diagnosed with Lyme disease using non-FDA approved tests and interpretations do suffer, but are most likely being misdiagnosed and often are not having their underlying disease treated effectively.
- Lyme disease clearly is a concern, and its prevalence is increasing, but the appropriate response is to put more resources into prevention and early detection.

I also wish to express the MMA's opposition to Part B of the bill, the provision that would prohibit the licensing board from pursuing disciplinary action against a physician who prescribes long-term antibiotic therapy for Lyme disease. First, I raise an issue of jurisdiction. As you know, the Joint Standing Committee on Business, Research & Economic Development is the committee of oversight for the physician licensing boards. If the committee has interest in this provision, the MMA urges you to refer that section the BRED committee for consideration. However, it would be bad policy and unprecedented, I think, to have the legislature intruding into the judgment of the 6 physicians and 3 public members of the Board of Licensure in Medicine whose role it is to determine whether disciplinary action is warranted.

Thank you for considering the views of the MMA on L.D. 1709 and I would be happy to answer any questions you may have.