

The Issue:

Prohibits an employer from taking an adverse employment action against a person who has not been or will not be vaccinated against influenza for reasons philosophical, religious, or medical

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4113.73 of the Revised Code be 6  
enacted to read as follows: 7

Sec. 4113.73. (A) As used in this section, "employer" has 8  
the same meaning as in section 4113.51 of the Revised Code. 9

(B) No employer shall discharge without just cause, refuse 10  
to hire, or otherwise discriminate against any person with 11  
respect to hire, tenure, terms, conditions, or privileges of 12  
employment, or any matter directly or indirectly related to 13  
employment, on the basis that the person has not been or will 14  
not be vaccinated against influenza for any reason, including 15  
medical, religious, or philosophical. 16

Timeline:

Testimony must be submitted by 9/11

Hearing on 9/12 at 1:30 PM

Letter and Testimony:

The Honorable Ron Young

Chairman, Economic Development, Commerce & Labor Committee

Ohio House of Representatives

77 South High Street, 13<sup>th</sup> Floor

Columbus, OH 43215

Re: Opposition to HB 193

Dear Representative Young:

The future physicians and healthcare providers of Ohio would like to thank you for including us in the discussion surrounding HB 193. We appreciate the opportunity to share our perspective in addressing employers' rights to enforce influenza vaccination. We believe that our voice, the voice of those entering healthcare and patient care, will promote informed, well-rounded dialogue on this topic.

The future healthcare providers of Ohio oppose HB 193 for reasons including the following:

1. **The flu vaccine is effective:** The flu vaccine is safe and efficacious. Each year in the United States, 36,000 people die from influenza. And while we empathize with patients experiencing the common side effects of this vaccination (including soreness, redness, minor fever, runny nose, etc.), we consider medical interventions that help prevent death at this magnitude among the most effective interventions available to physicians. As future healthcare professionals, we recognize the capacity for the flu vaccine to reduce patient suffering, incapacitating sickness, and hospitalization. In comparison, this vaccine produces relatively little harm to patients. The vaccine, in fact, has been proven completely noninfectious, containing either modified, noninfectious virus or no virus at all. Please consider that the opportunity for businesses, including hospitals, nursing homes and similar venues, to assure employee vaccination decreases the the risk of spreading flu-related illness, prevents hospitalization of elderly individuals and children, and protects pregnant women. A 2012 study indicated that flu vaccination reduced children's risk of pediatric intensive care unit admission by 74 percent. Another study found that flu vaccination was associated with a 71 percent reduction in flu-related hospitalizations among adults of all ages.
2. **The flu vaccine is cost-effective:** Through the prevention of influenza transmission, this vaccine eliminates costs of care for severe illness, which exceeds the costs of administering vaccine. This may mean more money for the bottom line for businesses and families to invest in Ohio or jobs. More importantly, this will mean saved lives.
3. **Medical school mandatory vaccines and our experience:** To attend medical school, all prospective medical students must receive the flu vaccine. Every individual signing this letter will have received this vaccination. Every individual signing this letter would elect to receive the flu vaccine, even if not required. Our generation witnessed the 2009 H1N1 outbreak, wherein lack of preventative measures led to increased infection and hospitalization rates. Thus, we urge our fellow Ohioans to receive this vaccine as individuals with firsthand experience. If we were to support this legislation that would allow employees in a healthcare setting to be unvaccinated and more susceptible to the flu, we would be taking action to jeopardize the health of the patients for whom we study and to whom we commit our careers. Further, we would place other health care workers at increased risk of exposure to influenza. We put our safety on the line to care for our patients and our patients put their safety in our hands. We wholeheartedly view the removal of influenza vaccine requirements for healthcare workers as a decrease in the standard of care we promise to patients. In other industries promising safety, we view the ability to be philosophically exempt from vaccination requirements a fault on their promise of well-being to workers and society.
4. **Protecting the health of Ohio:** We see the flu vaccine as essential to protect patients--to protect Ohioans. Influenza is highly contagious and spreads very quickly. The promotion of influenza vaccine in business protects our most vulnerable populations. Groups at particular risk of severe influenza include pregnant women, children aged <5 years, the elderly, and individuals with underlying health conditions

such as HIV/AIDS, asthma, and chronic heart or lung diseases. Furthermore, vaccinating pregnant women protects their infants in the first 6 months of life.

An Example of the Consequences We Fear - Let's put all of this information into a hypothetical scenario. Let's say we allow employees to choose whether or not they get vaccinated. The setting for this tale will be in a hospital where one nurse, Betty Buckeye, has decided that she does not want a flu vaccine. The nurse is doing her job and checking on her patients. Not having the vaccine has taken no toll on her. She is able to treat all of her patients to the best of her abilities, but all of this changes when one single patient is carted in. This patient, let's call him John Ohio, is diagnosed with influenza (the flu), and the nurse taking care of him is Betty. Betty comes into John's room to attend to him and help set him into the hospital room. While getting situated, he ends up coughing on her. As we mentioned earlier, Betty is not vaccinated. Thus, the disease quickly spreads to her and she becomes a carrier for influenza. Betty then goes about the day, unaware that she is carrying this disease, and visits other patients ("Influenza is very contagious and it travels very quickly" says Duchin, who is also a member of the CDC's Advisory Committee on Immunization Practices (ACIP).). These patients, whether they have gotten the vaccination or not, have a weakened immune system. This is denoted by the fact that they are hospitalized. Thus, when Betty comes to take care of them, these patients can very easily contract influenza. These patients can spread it to other patients they pass in the hall or the various staff members that help in their care. This goes on to cause a widespread epidemic and numerous deaths ("It's a serious health problem for adults and children. And it's preventable," says Duchin. "We have a way for people to avoid unnecessary doctor's visits, to avoid unnecessary antibiotics, and to avoid hospitalization.").

Now that the consequences of a single person in the healthcare field not receiving the vaccination, let's consider a pregnant nurse who works in neonatal care. This nurse, for the sake of consistency, let's call her Betty again, has decided to forego the flu vaccine once again. Once again, the patient, John, has given her the flu virus and she has become a carrier for the disease. She then goes about her day in the neonatal care facility. As Betty interacts with everyone, helping to provide care to the patients, she exposed them to the virus. Many of them have now contracted the disease (groups at particular risk of severe influenza include pregnant women, children aged <5 years, the elderly, and individuals with underlying health conditions such as HIV/ AIDS, asthma, and chronic heart or lung diseases). Since these are newborns, their immune systems are not as strong. Thus many of them pass away, and their families mourn for their loss. Had Betty gotten the vaccine in this scenario, she could have saved countless lives ("That's a large number of people. The vaccine is really the best way to prevent those infections," says Ryan Malosh, an epidemiologist at the University of Michigan School of Public Health). The vaccine would have even protected her, her children with asthma at home, and the youngest one she is expecting. ("It's recommended for two reasons," says Duchin. "One is because pregnant women have a higher rate of severe influenza and hospitalizations than non-pregnant women. And if you give the vaccine to pregnant women, you protect their unborn baby for the first 6 months.")

We urge you to oppose this piece of legislation as it prohibits the successful implementation of an effective tool that we have experience with first hand. We know that the flu vaccine is a cost effective measure to protect the people of Ohio especially the most vulnerable from death and other preventable complications. Please continue to allow us to protect our patients and ourselves from the spread of the flu.

Thank you for your consideration. If you have any questions, please feel free to contact Michelle Knopp at [knopp.29@osu.edu](mailto:knopp.29@osu.edu) or 614-641-0388.

Sincerely,

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