

My name is George Ilavsky and I am a medical laboratory technician that is not only an advocate for patient health, but for my own health and wellbeing. I feel that it is solely my responsibility to make the best health decisions that will benefit and improve my health and wellbeing. What is the best health decision? That question is not so simple to answer. Decisions are based on ones morals, ethics, and religion, which may be unique to the individual. Certainly, not all people agree on everything or what the best decision should be, which is why we leave decisions in the hands of the individual. A person will base his or her health decisions on knowing their own body, on knowing their likes and dislikes, and their morals and beliefs. Religion can also play a big role and may help guide an individual in his or her decision-making, especially when it comes to health related matters.

Currently, I am faced every year with the very real stress and worry if I will have to choose between being reprimanded or losing my job for declining the influenza vaccine, or forcibly accepting it. I, as well as many others, should never have to choose between my livelihood and my health, or even have to be presented with such a decision. A person's health needs to remain in the individual's hands. The first year mandatory vaccination policies were implemented I got angry, nervous, and stressed because I didn't want to accept the vaccine, nor did I want to lose my job or face disciplinary action. From that point on I had to educate myself on the true science and current laws. After review of endless amounts of reputable information on the topic over the years I noticed something missing. What was and is missing? It is a law that protects the employee from being penalized for declining the influenza vaccine. Now, years later we have an opportunity to pass this important law that will do just that. House Bill 193 will protect Ohio employees, keeping medical decisions in their hands.

Since I am more educated on this topic than most of my peers at my place of work, I have had nurses and other coworkers ask me in private how to avoid getting the flu shot, within company policy. Unfortunately, company policy requires full participation of the influenza program. My coworkers reasons for wanting to opt out was either simply because they did not want it or it was a more complex reason as to not wanting the harmful, toxic ingredients that are in the flu vaccine. Whatever the reason may be, individuals should have the power to refuse any medical procedure. Unfortunately it is not as easy as saying "no," like a teenager does when offered a cigarette. These individuals that have asked of my opinions on the issue are faced with the same problem as me, every single year. The coercion I see with the influenza vaccination program is appalling. The process seems to be, mandate the flu shot removing individual autonomy, sign the consent form that you received the flu shot (otherwise you are not in compliance), and leave without discussions or explanation of what was injected into your body. Not only is this discriminatory but it violates informed consent. Add that the vaccine manufactures have no liability for adverse reactions from vaccines due to the passing of the National Childhood Injury Act of 1986. Which means even if an employee suffers any kind of side effects whether it's minor, major, or life threatening they cannot sue the company that created the product, or the hospital that administered it.

Mandatory medical procedures, like the influenza vaccine, contradicts and violates the Ohio Constitution, Article I – Bill of Rights I.01 Inalienable Rights (1851), which is “All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.” The influenza vaccine mandates extracts liberty, violates property (one’s own body), and takes away safety or precautionary measures, such as declination of a medical procedure. And as I mentioned, informed consent is almost nonexistent, which removes a safety layer. As mentioned above the National Childhood Injury Act of 1986 indemnifies vaccine manufacturers from any damage, loss, or injury, which violates the Ohio Constitution, Article I – Bill of Rights I.05 Trial by Jury. A person cannot simply file a lawsuit against a vaccine manufacturer or request a trial consisting of a jury of his or her peers. These policies also violate many international declarations and laws that the United States is in full participation.

One such declaration is the Universal Declaration on Bioethics and Human Rights from the United Nations Educational, Scientific and Cultural Organization. I will mention specific articles within the declaration that should be noted when discussing mandates of medical procedures, like the influenza vaccine mandates. Article 3 states “1. Human dignity, human rights and fundamental freedoms are to be fully respected,” and “2. The interests and welfare of the individual should have priority over the sole interest of science or society.” Both these articles alone grant authority to health decisions to the individual. This means that regardless of what the masses choose to do, including mandatory medical policies, the individual has priority over the group. Article 6 states that “Any preventative, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice.” I can tell you first hand that when employees receive the flu shot they are not fully informed of ingredients, risks/benefits, or side effects and do not receive adequate information. I have witnessed people sign a “consent” form and receive the vaccination without discussion before or after administration of the vaccine. Also, full informed consent must come without coercion. When an employee is threatened with adverse actions or job loss if he or she does not comply by getting the flu vaccine, the definition and meaning of informed consent is undermined. The unfortunate matter is that full informed consent is violated by these mandates and disregards individual autonomy, which is discussed in Article 5, “The autonomy of persons to make decisions while taking responsibility for those decisions and respecting the autonomy of others, is to be respected.” Lastly, Article 28 states “Nothing in this Declaration may be interpreted as implying for any State, group or person any claim to engage in any activity or to perform any act contrary to human rights, fundamental freedoms and human dignity.” Not only is similar language in Ohio Constitution mentioned above, but also UNESCO provides this language to combat the violation of individual medical decision-making. To reiterate, the United States is a participant of this declaration, and somehow our country is violating many key articles within it.

I fully support House Bill 193, which would “Prohibit penalizing an employee for not getting flu vaccination.” This law is desperately needed in Ohio to protect individual autonomy and medical rights. I urge you to support and vote YES on HB 193.

Thank you,

George Ilavsky

Resources

1. <https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=1.01>
2. http://portal.unesco.org/en/ev.php-URL_ID=31058&URL_DO=DO_TOPIC&URL_SECTION=201.html
3. <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-193>
4. <https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=1.05>