As Introduced

133rd General Assembly
Regular Session
2019-2020

H. B. No. 407

Representatives Liston, Russo


A BILL

To enact section 4731.92 of the Revised Code to establish provisions to be known as the "Clinician Integrity and Medical Accuracy Act."

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

Section 1. That section 4731.92 of the Revised Code be enacted to read as follows:

Sec. 4731.92. (A) As used in this section:

(1) "Appropriate for the patient" means care that is consistent with applicable health and professional standards, the patient's clinical and other circumstances, and the patient's reasonably known wishes and beliefs.

(2) "Evidence-based" means the conscientious, explicit, and judicious use of the current best evidence, based on a systematic review of the relevant research, in making decisions about the care of individuals.

(3) "Medically accurate" means information that is any of
(a) Verified or supported by the weight of peer-reviewed medical research conducted in accordance with accepted scientific methods;

(b) Recognized as medically sound and objective by any of the following:

(i) Leading medical organizations with relevant expertise, including the American medical association, the American public health association, the American psychological association, the American academy of pediatrics, the American college of physicians, the American academy of family physicians, and the American college of obstetricians and gynecologists;

(ii) Federal government agencies, including the centers for disease control and prevention, the United States food and drug administration, the national institutes of health, and the national cancer institute;

(iii) Leading national or international scientific advisory groups, including the institute of medicine and the advisory committee on immunization practices.

(c) Recommended by, or affirmed in the medical practice guidelines of, a nationally recognized accrediting organization.

(4) "Physician" means an individual authorized by this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(5) "State" includes all of the following:

(a) The state of Ohio;

(b) Any county, township, municipal corporation, or any
other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state;

(c) All branches, departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state and any individual acting on behalf of an instrumentality of the state.

(B)(1) The state shall not require a physician, or any individual operating under the authority of a physician, to provide a patient with either of the following:

(a) Information that is not, in the physician's reasonable professional clinical judgment, medically accurate and appropriate for the patient;

(b) A medical service in a manner that is not, in the physician's reasonable professional clinical judgment, evidence-based and appropriate for the patient.

(2) The state shall not prohibit a physician, or any individual operating under the authority of a physician, from providing a patient either of the following:

(a) Information that is, in the physician's reasonable professional clinical judgment, medically accurate and appropriate for the patient;

(b) A medical service in a manner that is, in the physician's reasonable professional clinical judgment, evidence-based and appropriate for the patient.

(C) A physician who determines that a requirement imposed by the state is not evidence-based or medically accurate, and that following the requirement is not appropriate for the
patient, shall document the physician's determination in writing in the patient's medical record, including the medical basis for the determination. The documentation shall be maintained in the patient's medical record for not less than six years.

(D) This section does not alter the standard of care for a physician or abrogate the duty of a physician to meet the applicable standard of care.

Section 2. The provisions of section 4731.92 of the Revised Code, as enacted by this act, shall be known as the "Clinician Integrity and Medical Accuracy Act."