

May 27, 2020

Written (Proponent) Testimony in regards to SB 311 presented to the Senate Health, Human Services and Medicaid Committee of the Ohio Senate -133rd General Assembly - Ravi Kulasekere PhD, ND, BCHHP

Chair Burke, Vice Chair Huffman, Ranking Member Antonio, and members of the Senate Health, Human Services and Medicaid Committee, I thank you for the opportunity to provide written testimony **supporting** SB 311. A bill to amend sections 101.35 and 3701.13 and to enact section 101.36 of the Revised Code to rescind certain orders of the Director of Health regarding COVID-19, to require the approval of the Joint Committee on Agency Rule Review for Department of Health orders to be effective for more than fourteen days, to require statewide Department of Health orders to include the Governor's signature, to modify the Department's rulemaking authority, to allow in-person high school graduation ceremonies, and to declare an emergency.

My name is Dr Ravi Kulasekere, a practicing board certified doctor of traditional naturopathy and a medical physicist by training with over a dozen years working in the field of cancer care. I am writing to express my support to SB 311.

Ohio desperately needs checks and balances to neutralize the power and authority vested in one individual at the Ohio Department of Health (ODH) to determine the best course of action for the lives, livelihood and safety of Ohio citizens. During the COVID-19 pandemic, the unilateral declaration by the ODH director that some businesses were deemed non-essential when that business was essential for the life, liberty and pursuit of happiness of the owner and its clients is not acceptable. When such decisions are taken based on evolving or partial information available at the time and continued indefinitely, the people of Ohio suffer in more than one way and it affects their physical and emotional well-being. For these reasons and more, I fully support the review of such orders by a committee of peers who are also well versed in the subject matter. While nothing in this bill limits the ODH director from doing her job it adds the much-needed oversight and makes sure that the constitutional rights guaranteed to the citizens of Ohio are preserved.

I would also respectfully ask that the committee consider the testing language from HB 649 be shown below be added to the bill SB311.

“Sec. 3701.234. (A) Before administering to an individual a test for the presence or absence of a communicable, life-threatening disease or infection or an immune response to such a disease or infection that is the subject of an epidemic or pandemic, a health care provider shall obtain the individual's informed consent. In the case of a minor individual, the health care provider shall obtain the informed consent of the minor individual's parent or legal guardian. In either circumstance, the consent shall be in writing.

(B) The physical results of an individual's test, including any partial or complete biometric record of the individual's DNA sequence, shall be the property of the individual and shall be transmitted only to the individual tested, or in the case of a minor individual, the minor individual's parent or legal guardian.

(C) In the event the individual or minor individual's parent or legal guardian does not take possession of the physical results of a test, the laboratory responsible for conducting the test shall destroy those results when they are no longer needed for the limited purpose of diagnosing the individual or determining the presence of an immune response to the disease or infection identified in the individual's written consent.

Any DNA collected for the limited purpose of this test shall not be maintained by the laboratory conducting the test or any other public or private entity. Such biological material or related record of such material shall not be stored, held, or transmitted in any format, including an electronic, digital, or paper format, by the laboratory conducting the test or any other public or private entity. The laboratory conducting the test shall certify in writing to the individual tested that any biometric record has been destroyed and that no related record has been stored, held, or transmitted to a third party.

(D) A health care provider, laboratory, or public or private entity shall be liable in damages to any person in a civil action for injury or loss to person or property that allegedly arises from the provider's, laboratory's, or entity's failure to comply with the requirements of this section."

Thank you for your time and consideration.

Yours Respectfully,

A handwritten signature in black ink, appearing to read "R. Kulasekere", with a horizontal line underneath the name.

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