

**The Ohio House of Representatives
Health Provider Services Committee
Substitute House Bill 73**

Proponent Testimony
Zachary K. West
June 13, 2023

Chairman Cutrona, Vice Chair Gross, Ranking Member Somani, and members of the Health Provider Services Committee, thank you for allowing me to provide testimony in support of Substitute House Bill 73, “The Dave and Angie Patient and Health Provider Protection Act”.

I am an independent, solo physician providing primary care and osteopathic neuromusculoskeletal medicine specialty services in Tiffin, Ohio (Seneca County). I currently serve as the Vice President of the Seneca County Board of Health, however, my testimony is as an independent physician and not as a public official.

The preceding three years have merely brought to light the existing dark elements of the modern healthcare system and further indicate the urgent need to protect the patient-physician relationship. Pivotal to the patient-physician relationship is the ability to enter into a mutually agreed upon course of treatment.

It is a common practice in medicine to utilize prescription therapies in an “off-label” manner. Medicine is considered to be both an art and a science. It is the art of the practice of medicine that oftentimes is deployed to meet the unique needs of the individual patient. Those unique needs are met at times in the form of therapy considered “off-label”. A patient might have failed the current standard of therapy or the standard might simply be inappropriate for that particular patient. Other times, there might be no current standard therapy deemed “FDA approved” to address the present needs of that patient. It is in such moments that a physician utilizes his or her training and medical judgment to develop and propose a course of treatment. Such a practice is often a daily occurrence for a physician regardless of whether he or she is working in an outpatient clinic, hospital, or emergency/urgent care setting. It is a practice all physicians begin to develop early in their medical school training. The use of unproven interventions in clinical practice is even referenced in the World Medical Association Declaration of Helsinki which states, “In the treatment of an individual patient, where proven interventions do not exist or other known interventions have been ineffective, the physician, after seeking expert advice, with informed consent from the patient or a legally authorized representative, may use an unproven intervention if in the physician’s judgment it offers hope of saving life, re-establishing health or alleviating suffering.”¹

In the preceding three years, however, we have witnessed this common practice in medicine be abruptly challenged and, in turn, the patient-physician relationship compromised. Does medical liberty exist when a physician’s opinions or decisions are made in a climate of coercion, threats or fear of retaliation? Do patient’s readily have access to mutually agreed upon treatment that is made in consultation with their physician when there is interference from outside entities (i.e. pharmacies, hospitals or other facilities) that disrupt in the delivery of that treatment?

Substitute House Bill 73 provides a path to medical freedom for patients and physicians. As an independent, solo physician, I have the liberty to even write and provide testimony in support of this legislation. A 2022 study by the Physicians Advocacy Institute indicated that nearly 74% of all

physicians in the United States are employed by hospitals, health systems or corporate entities and that a 38% increase in hospital or corporate-owned practices resulted during the pandemic.² I made the conscious decision early in my medical career to honor my oath and fiercely defend the patient-physician relationship regardless of the personal, professional or financial costs that might be associated in doing such. Unfortunately, not all my medical brethren are presently afforded or assured of the same liberty.

Please support Substitute House Bill 73 and help restore Ohio's faith in medicine.

Sincerely,

Zachary K. West, DO, MPH, FACOI
Tiffin, Ohio

1. <https://www.wma.net/policies-post/wma-declaration-of-helsinki-ethical-principles-for-medical-research-involving-human-subjects/>

2. https://www.physiciansadvocacyinstitute.org/Portals/0/assets/docs/PAI-Research/PAI%20Avalere%20Physician%20Employment%20Trends%20Study%202019-21%20Final.pdf?ver=ksWkgjKXB_yZflmFdXlvGg%3d%3d