



**Kyle Finnerty, PharmD**  
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**Akron Children's Hospital**  
**Opponent Testimony, Ohio House Bill 73 (HB 73)**  
**Ohio Senate Health Committee**  
**June 12, 2024**

Dear Chairman Huffman and Members of the Senate Health Committee:

My name is Kyle Finnerty, and I am Director of Pharmacy Services at Akron Children's. I am writing today on behalf of clinicians, staff and patient families to express our firm opposition to Ohio House Bill 73 (HB 73). If enacted, HB 73 will negatively impact patient safety; present several quality concerns that could be disastrous for patient quality and care; and present a lack of specificity opening the door to alarming scenarios where prescriptions for FDA approved medications could be given for indications unsupported by medical evidence, potentially causing harm to patients.

Akron Children's operates a pharmacy that stocks many over the counter and prescription medications, including items not available at neighborhood pharmacies such as medications for patients with cystic fibrosis, cancer and clotting disorders. We also flavor certain medications using the FlavoRX system to improve taste and specialize in compounding medications for children, as well as personal care items for burn patients and premature infants. Additionally, Akron Children's operates a Specialty Pharmacy which carries medications that are high cost, have specific handling and storage requirements, and typically are not available through your local pharmacy.

Our specialty pharmacy services are a strategic initiative for our health care system that allow us to enhance the continuity of care and provide better service for our patients. It is also aligned with Akron Children's quality and patient safety goals, as our pharmacists can ensure quality control and reduce the risk of medication errors. Moreover, with increased care coordination, our team is focused on improving medication management and compliance, which can ultimately reduce hospitalizations and readmissions.

Akron Children's has earned Utilization Review Accreditation Commission (URAC) accreditation for our Specialty Pharmacy. URAC is the independent leader in promoting health care quality by setting high standards for clinical practice, consumer protections, performance measurement, operations infrastructure and risk management. By achieving this status, we have demonstrated our commitment to quality care, enhanced processes, patient safety and improved outcomes.

Ultimately, our opposition to HB 73 is based on the fact that the legislation creates a framework that mandates the dispensing of drugs upon the issuance of a prescription, without the ability of a health care provider to perform their role in a patient's clinical care. This framework would be particularly unsafe for hospitalized

patients and conflicts with multiple enacted laws and regulations by which hospitals, and pharmacists and other clinicians working in hospitals, are required to comply.

Ohio's hospitals treat our most acutely sick patients. In many instances, these patients are treated with multiple drugs with some patients requiring up to two dozen drugs while in a hospital. Maintaining clinical balance and integrity regarding their drug treatment plans requires open lines of communication and respect for clinical perspectives among providers. The balance, communication and professional respect is vital to patients' well-being and compliance regarding numerous laws governing the treatment of hospitalized patients. It is only in very rare circumstances that there are disputes between prescribers and pharmacists in a hospital setting regarding drugs prescribed for a patient.

In cases when questions are raised by a pharmacist in the hospital setting, the issue is resolved professionally between clinicians and in the best interest of patients. In the rare circumstances where there is an impasse in the discussions between providers, there are professional mechanisms in place to quickly resolve them. These mechanisms are led by physicians and other clinicians. HB 73 upsets these existing legally required mechanisms, in addition to, professional practice standards and professional ethics.

This bill also creates a new regulatory structure which has the potential to disrupt the operations of hospitals regarding virtually all patients, not just an extremely small number of patients who may be seeking care in a hospital but desire to have a non-hospital physician direct their care. Additionally, HB 73 would require a hospital pharmacist to dispense, and would require a hospital to allow the dispensing of, any drug prescribed for off-label use with exceptions for moral, ethical or religious belief that conflicts with the drug's dispensing or if a pharmacist has documented that the patient has a history of life-threatening allergic reaction to the drug or a life-threatening contraindication. This provision conflicts with current state and federal laws governing the practice of pharmacy and federal medical reconciliation requirements.

This bill is not only dangerous to hospitalized patients but will result in hospitals, pharmacists and other providers having to choose which laws to comply with – creating a conflicting circumstance between the laws enacted through HB 73 and the laws that have, and continue to, govern the practice of medicine.

Thank you for your time and attention related to our concerns with this bill. HB 73 is problematic and would dramatically disrupt our efforts in improve patient outcomes and have our patients receive world class health care across Ohio.

Respectfully, we are asking you to not advance Ohio House Bill 73.