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June 4, 2024

Senator Stephen A. Huffman
Chair- Ohio Senate Health Committee
Statehouse
1 Capitol Square- 2nd floor
Columbus, Ohio 43215

Re: Opposition to House Bill 73

Dear Chair Huffman:

As a dedicated pharmacist and healthcare professional for the past 16 years, I am deeply concerned by the language and proponent testimony involved with House Bill 73.

We are lucky to live in a country with a trias political model, ensuring that no single branch of government operates with unrestricted authority. Suppose tomorrow a bill was introduced that removed the judiciary's ability to interpret laws. Alternatively, imagine a bill which removed the Ohio congress's ability to override the governor's veto. I would hope and expect that such a bill would be swiftly and forcefully defeated as it would undermine foundational principles of our democratic system within our state. While not identical, comparable checks and balances occur in our medical system. Similar to our government model, these principles exist within our medical infrastructure to protect Ohioans' health and well-being. More specifically, OAC 4729:5-5-15 stipulates that a prescription must be issued for a "legitimate medical purpose" and spells out that a "corresponding responsibility" rests with pharmacists to ensure prescriptions are safe and valid. The ability to decline dispensing a medication when there is a reasonable concern about its appropriateness is a critical aspect of a pharmacist's duty. HB 73, by requiring pharmacists to dispense any off-label prescription, disregards this professional judgment and places patients at potential risk.

During sponsor and proponent testimony, the term "artist" was used frequently to describe prescribers treating their patients. I do not disagree with this description. I agree that the practice of medicine often requires interpretation and judgement. In fact, off-label prescribing happens frequently, and these prescriptions are frequently dispensed without pharmacist intervention. Off-label prescribing can be a beneficial part of the prescriber's "artistry", but it also can carry inherent risks. It is not uncommon for off-label uses to lack substantial clinical evidence or be supported by only anecdotal reports. Pharmacists, with their specialized

knowledge of drug therapy, are often the last line of defense in preventing inappropriate or potentially harmful medication use. Forcing pharmacists to dispense off-label prescriptions without the ability to evaluate their legitimacy could lead to serious patient harm, adverse drug reactions, and a degradation of the overall quality of care.

Furthermore, this bill could have broader implications for the trust and collaboration within the healthcare system. Physicians and pharmacists work together to optimize patient care, and the ability of pharmacists to question and verify prescriptions is a crucial component of this collaborative relationship. Undermining this role could erode the trust patients have in their healthcare providers and disrupt the cohesive efforts to ensure patient safety and effective treatment outcomes.

It is also important to consider the legal and ethical ramifications for pharmacists. Pharmacists are licensed professionals bound by a code of ethics that prioritizes patient welfare. HB 73 places pharmacists in a precarious position where they may be compelled to act against their professional judgment and ethical standards. I realize there are provisions in the bill [HB73 (C)(2)] which grant immunity to pharmacists who have documented their objection to dispensing; however, as a healthcare professional my goal is to avoid patient harm not to avoid civil litigation. If a prescription I am forced to dispense harms a patient, I will not sleep easier at night knowing I am immune from civil liability.

In conclusion, while the intent behind HB 73 may be to enhance access to medications, the approach it takes is fundamentally flawed. The bill's mandate that pharmacists dispense off-label prescriptions without regard for their professional judgment is a disservice to patient safety and the integrity of the pharmacy profession. I urge you to reconsider and oppose HB 73, and instead support measures that reinforce the collaborative and evaluative roles of pharmacists in the healthcare system.

Thank you for considering my testimony. I am available for further discussion and would be happy to provide additional insights based on my professional experience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Peshek', written in a cursive style.

Chris Peshek, PharmD, RPh
Director, Pharmacy Operations
Discount Drug Mart, Inc.

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