



House Bill 73
Senate Health Committee Opponent Testimony
June 6, 2024

Chairman Huffman, Vice Chairman Johnson, Ranking Member Antonio, and all members of the Senate Health Committee, thank you for the opportunity to submit opponent testimony regarding House Bill 73. The Ohio Chapter of the American College of Emergency Physicians (Ohio ACEP) represents over 1,500 emergency physicians across the State and our members have grave concerns about some of the provision in this legislation.

We understand that Ohioans want a meaningful say over the healthcare they receive. We also support that use of off label medications in certain, medically sound, situations. However, the provisions of this bill go far beyond medically acceptable standards. When a patient presents to the emergency department, it is the responsibility of the emergency department to provide a medical screening exam and any stabilizing care the patient requires. Under this legislation, if a patient questions the medical advice and treatment plan of the physician on duty, the hospital would be required to allow non-credentialed physicians onto their medical staff temporarily. These temporary physicians would then be able to prescribe and administer off label drugs to patients in the emergency department and the hospital would be required to dispense these drugs. This usurps our clinical decision making and standard of care. The bill requires no tests or diagnosis before requiring these drugs to be dispensed to our patients. The legislation provides no recourse within their internal safety measures, nor with the state medical board, if these providers being forced to the medical staff engage in non-evidence based/risky treatments for patients in the emergency department.

The liability protections in the bill do not go far enough to eliminate risk to providers providing non-evidenced-based care. This is to say nothing of the oath physicians take to protect patients. The bill also requires that patients be allowed to bring these off-label drugs in from outside sources. How are we to verify their safety? Further, if the patient experiences an adverse reaction to the off-label medication or does not experience the promised result, that patient is likely to present back to the hospital or emergency department for additional care.

We urge the Committee to oppose the provisions of HB 73. Thank you for your consideration.

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