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Senate Health Committee

Nicholas Marsico R.Ph.
President and CEO

June 10, 2024

Re: Sub. H.B. No. 73 - Enact Dave and Angie Patient and Health Provider Protection Act

Dear Senate Health Committee,

My name is Nicholas Marsico, President and CEO of the HB Magruder Hospital. I've spent the many years in the health care industry has a pharmacist, pharmacy leader, and most recently as President and CEO of a small, independent, rural Critical Access Hospital. I am writing today to express my concerns with Sub. H.B. No.73. Relating to the Enact Dave and Angie Patient and Health Provider Protection Act.

I am opposing to Sub. H.B. No.73 for a multitude of reasons: patient safety is by far my primary opposition, followed by rushing through temporary privileges, erosion of pharmacist discretion and professional judgment, the potential financial burden on patients and hospitals, vague liability and immunity, formulary maintenance, and use of outside drugs in our organization.

Patient safety is my biggest with House Bill 73. There are extensive checks and balances during the medication process, from selection of drugs available all the way through the dispensing process. This bill will eliminate many of the checks and balances employed to protect our patients from medication errors. We utilize an extensive checklist to evaluate each medication added to formulary that primarily hinges on the safety and efficacy of the product. We account for not only what happens upon administration and how it is used, but what happens before and after regarding proper storage, handling, protection for staff who administer, and several other factors. When we decide now regarding whether to add a product to our formulary, that decision is research driven using information from a multitude of respected resources and goes through full Medical Staff Committee approval process including several meetings to get to a decision add or deny. Those meetings are attended by a multidisciplinary team of physicians, providers, pharmacists, nurses, and hospital leaders who all agree on a path moving forward. There are always documented reasons that are agreed upon by the comprehensive medical team when a product is either added to our formulary or denied from our formulary. This bill undermines and erodes the work and processes followed to keep our patients safe from dangerous medications and improper uses.

Hospitalized patients are among the most ill individuals and often require multiple medications during their stay. Managing these medications effectively takes a collaboration among the healthcare professionals, effective communication, and a shared commitment to patient care. This is a shared responsibility by all healthcare professionals, which this bill eliminates.

Temporary privileges could take extensive time and could be outside the five-day timeframe. Granting temporary privileges poses a risk to the integrity of the hospital's organizational structure, and an essential component for navigating the unpredictable terrain of the hospital healthcare industry. This could empower dangerous prescribers by providing privileges and the ability to continue inappropriate prescribing practices. Issuing these temporary privileges also adds additional and unnecessary administrative costs to the hospital.

Aside from the process to determine addition to formulary, this bill also removes professional judgment from the dispensing pharmacist and potentially places patients at risk. A pharmacist plays a vital role as the last line of defense against medication errors and unsafe prescriptions, both in outpatient and inpatient settings. A pharmacist has a duty to uphold the protection of the patient and bears responsibility for not causing a patient harm by allowing the improper use of medications. This bill creates some liability protections, however there are no criminal protections for healthcare professionals and this bill does not address the nurse that administers the medication at all. House Bill 73 would compel a pharmacist to dispense medications that could harm a patient.

This bill also forces hospital physicians to provide any prescription medication requested by the patient and mandated hospitals to use patient-supplied medications if identifiable. The use of outside drugs disregards existing policies and legal regulations that ensure medications are safe and appropriate for use. This provision introduces unnecessary risk, such as improper storage, expirations, and potential alterations, compromising patient safety again.

In closing, I would like to thank the Senate Health Committee for their time. I would like to reiterate that I am opposing Sub. H.B. No.73 for a multitude of reasons. If this bill passes I am certain it will have a negative effect on hospitals and patient care. If you would have any further questions, I would be happy to address them.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Nicholas Marsico', with a long horizontal flourish extending to the right.

Nicholas Marsico R.Ph.
President and CEO