



Ohio Senate Health Committee

Opponent Testimony for Sub. H.B. 73

Marlene Anielski, Executive Director, Ohio Board of Nursing

December 11, 2024

Chair Huffman, Vice Chair Johnson, Ranking Member Antonio, and members of the committee, on behalf of the Ohio Board of Nursing (OBN), thank you for the opportunity to provide written testimony regarding Substitute House Bill 73. My name is Marlene Anielski, and I serve as the Board's Executive Director. The Ohio Board of Nursing regulates over 340,000 licensees and certificate holders across Ohio and is the state's largest occupational licensing board. Our mission is to actively safeguard the public through equitable regulation of nursing and other healthcare professions. Public protection is critical, as nursing touches virtually every citizen of Ohio.

I echo the concerns expressed to the committee by our counterparts at the State Medical Board and Pharmacy Board regarding the bill's elimination of a standard of care for patients to be prescribed medication. Traditionally, standards of care for prescribing medicine include some type of biometric screening, test, diagnosis or knowledge of exposure to a disease. By replacing minimum standards of care with the patient's informed consent, patients will lack the information needed to make an informed decision based on matters of fact.

We believe that allowing prescribers to prescribe any drug without considering the patient's health and potential adverse drug reactions, will seriously jeopardize patient safety. OBN supports the current law allowing for the common practice of off-label prescribing based on minimum standards of care.

Substitute House Bill 73 also hinders our mission to safeguard public health by stripping the Board of our regulatory authority to discipline licensees who are guilty of selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes (ORC sec. 4723.28(B)(5)). Lastly, we are concerned with the broadness of the bill's provision prohibiting the Board from disciplining a licensee who expresses a medical opinion that does not align with the opinions of the Board. While we respect our licensees' First Amendment rights, we do not want medical opinions to serve as an excuse for failing to practice in accordance with prevailing standards of safe nursing care.

In conclusion, it is the opinion of the Board that Substitute House Bill 73 is unnecessary because off-label prescribing is already a common and legal practice by prescribers in



Ohio and removing minimum standards of care for prescribing will only endanger the health and safety of Ohio patients. Furthermore, restricting the disciplinary authority of licensing boards will allow bad actors to endanger the public without facing consequences.

Chairman Huffman, Vice Chair Johnson, Ranking Member Antonio, and members of the committee, thank you for the opportunity to provide testimony today. If you have any questions at all, please do not hesitate to contact our legislative liaison, Jack Brubaker at Jack.Brubaker@nursing.ohio.gov or (614) 373-0928.