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Chairman Huffman, Vice Chairman Johnson, Ranking Member Antonio and Members of the Senate Health Committee, Summa Health appreciates the opportunity to express our firm and continued opposition to the latest draft of House Bill 73 (ie, the Dash 8 version).

Summa Health's mission is to provide the highest, quality compassionate care and to contribute to a healthier community. We are one of the largest integrated healthcare delivery systems within the state of Ohio. On annual basis, we serve 325,000 patients who reside within the northeast Ohio region.

While we appreciate the efforts of the bill's sponsors to improve the legislation, it remains an unnecessary and dangerous bill as the proposed changes fail to correct the bill's overall lack of necessity and core flaws which were highlighted in our June 12, 2024 testimony. For instance, the persistent mandated dispensing clause as outlined in (C)(1) remains a threat to Ohio patients and is not significantly improved by the addition of the "life-threatening drug interactions" exemption in (C)(1)(b). While these efforts are acknowledged, they fall far short of accounting for the myriad life-threatening prescribing situations which pharmacists encounter and reconcile on a daily basis. Forcing pharmacists to dispense any medication strips them of their lawful corresponding responsibility to ensure the validity of a prescription in terms of its legitimate medical purpose, and any attempts to do so must be firmly rejected given their legal inappropriateness and needless removal of the safety nets in place to protect patients from harm. No number of additional exemptions fix this inherent flaw.

With respect to liability, lines 220-230 seek to apply protections to individuals and institutions from administrative or disciplinary action arising from this forced off-label dispensing except in cases associated with recklessness or gross negligence; regardless of the legal validity or ethical appropriateness of such sweeping protections, they contain an inherent flaw when compared with the overall legislation because it mandates pharmacists and their respective institutions to dispense any off-label medication even if such prescribing may ultimately be considered reckless or negligent. In doing so, this bill forces institutions to permit negligent prescribing by mandating that pharmacists dispense any off-label medication; not only does this present an unacceptable risk of harm, but it places the entire Ohio health care system in legal jeopardy.

Additionally, Summa Health remains concerned regarding the temporary privileges process and medication acquisition requirements outlined in the latest version of this bill. Allowing temporary privileges to be provided for any impasse pertaining to off-label medication prescribing represents a direct threat to inpatient facility inventory management and the ability to prevent and mitigate medication shortages. The processes outlined in House Bill 73 allow for a singular external provider to override an institution's medication stewardship programs, medication shortage policies, and formulary management systems. These entities exist to ensure that there is institutional coordination to solve incredibly complex issues, and House Bill 73 will only cripple the ability of facilities to solve these problems and best serve our patients.

Summa Health is additionally concerned regarding the legality of the inpatient billing practices proposed in House Bill 73. Lines 114-129 require that off-label medications be offered to inpatients at an upfront, out-of-

pocket cost, and this conflicts with regulations on inpatient billing outlined by ORC 4769.01 in addition to federal law and the care for patients receiving Medicare and Medicaid.

The above concerns only represent a fraction of the issues that Summa Health has with the current version of House Bill 73, and the changes presented in the Dash 8 version of House Bill 73 do not amount to any meaningful reduction in the harm that will come from it, if passed. The core tenets of House Bill 73 will only lead to significantly negative disruptions to Ohio health care and, more importantly, patient harm. Summa Health urges you to oppose this bill to protect the health of our patients.