



LOCAL GOVERNMENT, PUBLIC  
SAFETY AND VETERANS AFFAIRS  
COMMITTEE

Witness Form

Today's Date \_\_\_\_\_

Name: Dr. James E. Fonner D.C.

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Organization Representing: First Choice Chiropractic

Testifying on Bill Number: SB 148

Testimony:  Verbal  Written  Both

Testifying As:  Proponent  Opponent  Interested Party

Are you a Registered Lobbyist?  Yes  No

Special Requests: \_\_\_\_\_

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## **First Choice Chiropractic LLC**

James E. Fonner, D.C.  
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Chairman Uecker, Vice Chairman Wilson, Ranking Member Thomas, and members of the Senate Local Government, Public Safety, and Veterans Affairs Committee:

Thank you for allowing me to make my statement in opposition to Senate Bill 148. I make this statement today as a health care provider, business owner and American citizen. My name is Dr. James E. Fonner and I am a licensed chiropractor in the State of Ohio. I have been in practice for 12 years. I have literally treated thousands of patients, without the use of opiates, in my clinic for injuries casually related to motor vehicle crashes. I have nineteen fulltime employees.

I oppose Senate Bill 148 as a health care provider as it takes away choices of those who are injured in motor vehicle crashes to their options of health care primarily non-opiate alternatives such as those treatments administered in my clinics throughout the Columbus metropolitan area. The Columbus Navigator, a local circular, came out with an article on May 18<sup>th</sup> of this year about our crisis here in Ohio and it is in critical condition. In 2003 less than 400 opiate overdoses were recorded compared to last year (2016) the crisis took over 3000 lives. This article states that this process starts typically with a legitimate injury or trauma such as an injury associated with a motor vehicle crash. As the bill reads you are asking the police to ask these victims, in a time of fear and possibly pain, to choose to opt out of choices for their future health care needs. This is a burden on law enforcement, as has been expressed in letters you have been furnished, and is not the venue to explain the options that may present to these folks for treatment later following these incidents.

In this article Mark Frazier, a Republican Newark City Councilman, sees the threat in his every day and states "What we're seeing in Newark is a prescription drug crisis throughout the state, we're seeing heroin use on the rise. We're seeing that nationwide but we're really seeing that in Ohio."

Councilman Frazier just finished a presentation, looking into alternative medicines and the possible use of other forms of medication in lieu of certain medications associated with abuse. He goes on to state that he sees the opportunity for alternative medicines and other medications to help. It is the responsibility of the prescribers to recommend (those) alternatives. Alternative health care must be an option for these folks and this bill, if law, would limit and stymie the process to present a non-opiate alternative to these injuries.

As a business owner, I oppose this bill as it is simply duplicative and wasteful of our community's resources. We, as other solicitors, are regulated by the FTC and we chiropractors are also governed by our state chiropractic board as to what and when we can say to those involved in motor vehicle crashes. I have had an incident when one of my marketers went off script and got off our message and the Chiropractic board brought it to my attention and I immediately terminated that individual remedying that problem. The mention of privacy issues has been brought up, these crash reports have no more information about someone than you can get on the internet on a host of free public websites. This bill if becomes law will literally change the way my business operates as it will other businesses that utilize lawful commercial free speech, as a means to promote their businesses.

As an American citizen, I oppose this bill as it violates my commercial free speech rights. This topic has been heard by the Supreme Court in 2011 as Sorrel v. IMS health, Inc. In a 6 to 3 decision it was determined that commercial free speech is very lawful when the truth is used in the speech. In the decision, it was stated and I paraphrase "It helps citizens in the capacity as consumers to become better aware of the options at their disposal and the relative merits of those choices." This decision was challenged last year in Retail Digital Network, LLC v. Appelsmith and upheld in the ninth circuit court as to its validity and new precedent in the commercial free speech debate.

In conclusion, I would again like to thank you for allowing me to be a part of this process. We must allow these folks to be educated on options even if some are inconvenienced. This is a decision, in light of our opiate crisis, you owe to your constituents and all Ohioans. I ask that you not move forward toward passage of SB 148.

I would be happy to answer any questions at this time.