



LOCAL GOVERNMENT, PUBLIC
SAFETY AND VETERANS AFFAIRS
COMMITTEE

Witness Form

Today's Date 11/14/17

Name: Dr. Heather Kight - Isaly, D.C.

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Organization Representing: Columbus East 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: _____

Chairman Uecker, Vice Chairman Wilson, Ranking Member Thomas and members of the Senate Local Government, Public Safety and Veterans Affairs Committee:

Thank you for accepting my statement in opposition to Senate Bill 148.

I appear today as a health care provider and Ohioan. My name is Dr. Heather Kight-Isaly. I am a licensed chiropractor practicing here in Columbus since 1998. I am member of the Ohio State Chiropractic Association and am currently in my third term as a member of the Ohio Radiation Advisory Counsel.

When I was in chiropractic school, I focused on family care because of the stigma attached by many to a personal injury practice. Unfortunately, I was involved in a bad accident, and examined in the ambulance, but refused transport. My heart was racing so badly, it set off the alarms on the ambulance's EKG. The next day, I literally wasn't able move. I was taken to my chiropractic professor and he was able to help me. I fully recovered. That experience totally changed my mind.

I oppose Senate Bill 148 because it requires a person to opt in to receive what's termed "commercial solicitation" within minutes of being involved in a motor vehicle accident.

There is no explanation of what that means or how it is going to be explained. The police officer is required to figure it out, explaining it however he or she sees fit. Ohioans are going to be asked to make extra decisions in an already an excitatory state. People don't like the idea of being solicited, yet we find that many people are happy to receive an invitation to gain information about their state of health after an accident. Because the information is important to them, they don't consider it intrusive or a solicitation. In fact, Progressive Insurance company has been dispatching claims adjusters to accident scenes for years to get quickie settlements.¹ One Progressive adjuster even boasted in an affidavit that 20% of the claimants he met with would settle their claim by the third day after the accident just to get some quick cash.²

According to the Ohio Department of Public Safety, almost 306,000 traffic crashes occurred in 2016. These crashes resulted in more than 112,000 injuries reported at the scene.³ Some of those injured are transported by first responders to area hospitals. Others, leave on their own and are tasked with finding care.

Most medical doctors refuse to see someone injured in auto accident, referring them to an emergency room for care. This system of referral to ERs only crowd ERs, unnecessarily introduces dangerously addictive pain medications, stretches limited resources and diminishes the quality of care for all patients.

I, like many of my colleagues, will evaluate injuries and offer treatment options. And for those individuals with minimal or no health insurance, we wait for an insurance settlement for payment.

Testimony was offered in support of SB 148 stating that getting in an accident was like winning the lottery. That statement is totally without merit, and insulting to the tens of thousands legitimately injured and in need of healthcare due to an accident. The fact is that Franklin County has one of the

¹ Progressive Makes Big Claims, Fast Company, October 1998

² Affidavit of Jorge Portillo, August 2009

³ Ohio Traffic Crash Stats, 2016, Ohio Department of Public Safety, April 2017

lowest levels of personal injury awards in the country because so many jurors are either employed by an insurer headquartered here, or have a close friend or family member employed by an auto insurer.

Unfortunately, I see many patients that have already been prescribed dangerous medications by a ER doctor. I work with patients to reduce their pain and improve their function without medication. None of the treatment options chiropractors offer involve the use of drugs and opioids. Too many people in this state get hooked on painkillers such as hydrocodone, and oxycodone after suffering a soft tissue injury, like a whiplash. According to the Governor's Opiate Action Team, inappropriate opiate prescribing continues to be one of the top reasons the State Medical Board of Ohio acts on physician's licenses, with more than 165 prescribing complaints in 2016.⁴ Tragically, more people die in Ohio every year from NSAIDs and opiates than from motor vehicle accidents.

We should be encouraging treatment options that don't involve these drugs; not keeping consumers from finding out about other options. Many people associate chiropractic care with lower back problems, not traumas; and for good reason; chiropractic is often excellent in addressing those issues. However, chiropractic is also excellent at recovery of the spine following motor vehicle accidents and importantly without drugs.

Senate Bill 148 is truly anti-consumer, as it unfairly restricts access to necessary information. Ohioans want pain relief after being hurt in an auto accident. When they are informed of options other than opiates, they often chose it. Unfortunately, only 15% of the population is familiar with chiropractic and fewer realize the benefit of it after a trauma like a MVA. When consumers aren't allowed to hear competing voices, they tend to make decisions that aren't necessarily in their own best interest. The unintended result of this legislation will be to enrich insurance companies because they will be able to settle many cases without allowing for medical payments. When the insurance company is released from their obligations, costs of healthcare are shifted improperly to the state.

Stopping this type of truthful, non-deceptive commercial speech is simply against the public good.

In conclusion, we must allow Ohioans to be educated on non-opiate options, even if some are inconvenienced. We owe this 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 you might have.

⁴ Combating the Opiate Crisis in Ohio, Governors Cabinet, Opiate Action Team, August 2017