



To: Ohio House Government Oversight Committee

Fr: Monica Hueckel, Senior Director of Government Relations, Ohio State Medical Association

Da: May 26, 2022

Re: House Bill 598

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On behalf of the Ohio State Medical Association (OSMA), the state's oldest and largest professional organization representing Ohio physicians, medical residents, and medical students, we are writing to express concerns about House Bill 598.

It is the policy of the Ohio State Medical Association (OSMA) to neither promote nor oppose legislative proposals related to the legality of abortion procedures; however, separate OSMA policy opposes legislation that criminalizes or otherwise penalizes any medical procedure that is considered a standard of care. HB 598 includes criminal penalties for what are considered appropriate standards of care, including penalties up to a felony of the fourth degree, with a minimum penalty of one-half to two years imprisonment and payment of a fine. The bill also includes provisions which would allow the State Medical Board of Ohio to revoke a physician's license to practice if found guilty of performing, inducing, or promoting a certain medical procedure.

Separately, OSMA also has concerns about the potential use of medical documentation as evidence in potential investigations and prosecutions under this piece of legislation. If the law creates a situation where medical professionals fear for the protection of their patients when documenting details related to a patient's past history, current condition/symptoms, etc., this would have a terrible impact in terms of patient safety, health outcomes, and the physician-patient relationship.

We are also concerned about the wider impact of criminalization of particular medical procedures or treatments, and how this could lead to further criminalization related to other politically sensitive issues such as prevention/treatment of sexually transmitted infections, contraceptives, addiction treatment and overdose prevention.

When the legislative process is used to outlaw or restrict specific procedures and treatments as this legislation proposes, this bypasses a critical part of patient care as there is no way to consider all of the risks, benefits, and alternatives for each individual patient. Furthermore, due to the nature of science, research, and medicine, recommendations for medical treatments and procedures constantly evolve over time. While the scope of medical practice is and should be under legislative control, determining the appropriateness for performing standard medical procedures has traditionally been – and should continue to be – left to the expertise of medical professionals and research-based evidence in the medical literature.

As always, the OSMA appreciates the opportunity to be meaningful contributors to the legislative process. Please contact us should you have any questions.