

As Introduced

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H. B. No. 407

Representatives Liston, Russo

Cosponsors: Representatives West, Leland, Lepore-Hagan, Upchurch, Crawley, Miller, A., Boggs, Crossman, Sobecki, Kelly, Smith, K., Brown, Hicks-Hudson, Galonski, Sweeney, Miller, J., Lightbody, Weinstein, Denson, Miranda, Clites, Boyd, Skindell, Robinson

A BILL

To enact section 4731.92 of the Revised Code to 1
establish provisions to be known as the 2
"Clinician Integrity and Medical Accuracy Act." 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4731.92 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4731.92. (A) As used in this section: 6

(1) "Appropriate for the patient" means care that is 7
consistent with applicable health and professional standards, 8
the patient's clinical and other circumstances, and the 9
patient's reasonably known wishes and beliefs. 10

(2) "Evidence-based" means the conscientious, explicit, 11
and judicious use of the current best evidence, based on a 12
systematic review of the relevant research, in making decisions 13
about the care of individuals. 14

(3) "Medically accurate" means information that is any of 15

<u>the following:</u>	16
<u>(a) Verified or supported by the weight of peer-reviewed</u>	17
<u>medical research conducted in accordance with accepted</u>	18
<u>scientific methods;</u>	19
<u>(b) Recognized as medically sound and objective by any of</u>	20
<u>the following:</u>	21
<u>(i) Leading medical organizations with relevant expertise,</u>	22
<u>including the American medical association, the American public</u>	23
<u>health association, the American psychological association, the</u>	24
<u>American academy of pediatrics, the American college of</u>	25
<u>physicians, the American academy of family physicians, and the</u>	26
<u>American college of obstetricians and gynecologists;</u>	27
<u>(ii) Federal government agencies, including the centers</u>	28
<u>for disease control and prevention, the United States food and</u>	29
<u>drug administration, the national institutes of health, and the</u>	30
<u>national cancer institute;</u>	31
<u>(iii) Leading national or international scientific</u>	32
<u>advisory groups, including the institute of medicine and the</u>	33
<u>advisory committee on immunization practices.</u>	34
<u>(c) Recommended by, or affirmed in the medical practice</u>	35
<u>guidelines of, a nationally recognized accrediting organization.</u>	36
<u>(4) "Physician" means an individual authorized by this</u>	37
<u>chapter to practice medicine and surgery, osteopathic medicine</u>	38
<u>and surgery, or podiatric medicine and surgery.</u>	39
<u>(5) "State" includes all of the following:</u>	40
<u>(a) The state of Ohio;</u>	41
<u>(b) Any county, township, municipal corporation, or any</u>	42

other body corporate and politic that is responsible for 43
government activities in a geographic area smaller than that of 44
the state; 45

(c) All branches, departments, boards, offices, 46
commissions, agencies, institutions, and other instrumentalities 47
of the state and any individual acting on behalf of an 48
instrumentality of the state. 49

(B)(1) The state shall not require a physician, or any 50
individual operating under the authority of a physician, to 51
provide a patient with either of the following: 52

(a) Information that is not, in the physician's reasonable 53
professional clinical judgment, medically accurate and 54
appropriate for the patient; 55

(b) A medical service in a manner that is not, in the 56
physician's reasonable professional clinical judgment, evidence- 57
based and appropriate for the patient. 58

(2) The state shall not prohibit a physician, or any 59
individual operating under the authority of a physician, from 60
providing a patient either of the following: 61

(a) Information that is, in the physician's reasonable 62
professional clinical judgment, medically accurate and 63
appropriate for the patient; 64

(b) A medical service in a manner that is, in the 65
physician's reasonable professional clinical judgment, evidence- 66
based and appropriate for the patient. 67

(C) A physician who determines that a requirement imposed 68
by the state is not evidence-based or medically accurate, and 69
that following the requirement is not appropriate for the 70

patient, shall document the physician's determination in writing 71
in the patient's medical record, including the medical basis for 72
the determination. The documentation shall be maintained in the 73
patient's medical record for not less than six years. 74

(D) This section does not alter the standard of care for a 75
physician or abrogate the duty of a physician to meet the 76
applicable standard of care. 77

Section 2. The provisions of section 4731.92 of the 78
Revised Code, as enacted by this act, shall be known as the 79
"Clinician Integrity and Medical Accuracy Act." 80