



Opponent Testimony, HB 12
Benjamin Fesko
Future Leaders Council Member,
Academy of Medicine of Cleveland & Northern Ohio
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Chair Schmidt, Vice Chair Deeter, Ranking Member Somani and members of the Ohio House Health Committee, thank you for this opportunity to comment on House Bill 12.

My name is Benjamin Fesko, I am a medical student from Cleveland, and a member of the Future Leaders Council of the Academy of Medicine of Cleveland & Northern Ohio (AMCNO). The AMCNO is an organization that comprises more than 7,400 physicians and medical students from Northern Ohio. We are proud to be the stewards of Cleveland's medical community of the past, present, and future.

I am before you today in opposition to House Bill 12, because it could threaten patient safety and create potentially dangerous complications and confusion in hospital settings. Approximately 75% of physicians in our region are employed by hospital systems.

We appreciate the good intentions of the bill sponsors in bringing for this legislation. Off-label prescribing is a common practice that physicians use and a key part of innovations in care. However, we are concerned about the unintended consequences of this bill.

It is the responsibility of the physician caring for the patient, and of the hospital when the patient is hospitalized, to ensure that the patient and their illness or injury are being managed properly with the highest standards of medical care. It is also the responsibility of the physician, as the leader of the hospital health care team, to develop and oversee implementation of the highly individualized care plan for each patient.

The hospital setting is an incredibly complex system that is carefully constructed by each hospital system to minimize medical error by utilizing procedural safeguards. Each member of the care team has defined responsibilities that provide a system of checks and balances.

We are concerned that allowing a physician that is not a member of the hospital care team to prescribe medication will introduce potential harm and risk to patient care.

Most gravely, this could create a life-threatening scenario where the hospital team physician cannot manage the patient's care without having authority to determine which medications a patient should receive based on their own medical education, experience, and evolving condition of the patient. This bill also does not provide criminal liability protection for physicians should these scenarios occur.

While off-label prescribing is an important part of the medical profession, allowing physicians complete freedom to offer medical opinions about the efficacy of medications without any checks and balances from the state medical boards may lead to adverse consequences, especially in situations where this advice is not backed up by medical science or the respective licensing boards for the state.

Taking away the power of physicians to modify the medications of a patient could have dangerous consequences, especially in emergency situations where getting in contact with the original prescriber to cancel the medication is not possible.

This bill also disrupts procedural safeguards including quality checks performed by nurses and pharmacists to ensure that the appropriate medications at the appropriate dosages are being dispensed. By allowing a patient to bring in medication from outside the hospital, it cannot be guaranteed that the medication was not expired, was not stored in extreme temperatures, or was obtained from a reliable source.

We agree that using medication off-label is not only appropriate, but also imperative to the advancement of patient care. This legislation is not needed for this to continue to occur. The physician on the hospital care team is most equipped to determine the patient's treatment, and as the leader of the care team, most responsible for the patient's overall health and well-being. Even without this legislation, patients can request second opinions or have any physician speak to their hospital care team at any time. In fact, we, as physicians, encourage that. We are most concerned that by stripping away procedural safeguards and introducing more potential sources of error, this bill will do more harm than good.

For these reasons, we respectfully ask that you do not support House Bill 12.

I thank you for your time and attention and will be happy to answer any questions you may have.