

## WHAT IS AN OHIO HEALTH FREEDOM BILL?

This bill is a **safe harbor** exemption bill. It protects consumer access to the health care practitioners of their choice and consumer rights to information and educated choice.

This bill assures consumer access to the broadest range of practitioners and healing methods by providing a **safe harbor** for those practitioners who do not hold a conventional state occupation license who are doing healing therapies, as long as they follow guidelines of the bill. This protects the consumer's freedom to choose the alternative practitioners and services desired.

## WHY WE NEED AN OHIO HEALTH FREEDOM BILL

Practitioners of unlicensed healing arts have been charged with various infringements of the law, even when no one has been harmed. With our proposed Health Freedom Bill, these practitioners will be protected from unnecessary prosecution when following the Health Freedom Law.

Alternative wellness businesses have been thriving in Ohio for decades, paying sales and income taxes all along. When a business is built by reputation, that reputation must be good for the business to stay alive.

This bill would provide a **safe harbor** for those practitioners who give out proper disclosure and who do not pose a risk of harm to the public. They would no longer have to fear prosecution by the state of Ohio for practicing a health care profession without a conventional medical occupational license. Requiring truthful disclosure and stopping harassment of practitioners who do no harm protects the consumer's right to a free and educated choice.

## A Quote from One of America's Founding Fathers

"Unless we put medical freedom into the Constitution, the time will come when medicine will organize into an underground dictatorship... To restrict the art of healing to one class of men and deny equal privileges to others will constitute the Bastille of medical science. All such laws are un-American and despotic and have no place in a republic... The Constitution of this republic should make special privilege for medical freedom as well as religious freedom."

--Dr. Benjamin Rush, signer of the Declaration of Independence

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## Ohio Consumer Health Freedom Bill H.B. 442

## To Protect Freedom of Speech



## and Freedom of Choice

*The Spirit of a Health Freedom Bill is that no one shall ever again be prosecuted who has done no harm!*

ohiohealthfreedom.com

## HOW A HEALTH FREEDOM BILL WORKS

Complementary or alternative health care practitioners will provide a plainly worded, written document to the client that includes all of the following:

- The nature of the service that will be provided to the client
- The degrees, training, experience, credentials, or other qualifications held
- If not licensed, a statement saying they are not licensed by the state of Ohio and that they are not a medical doctor or physician
- If they hold another license, a statement saying what licenses they hold, but that they are providing services as an unlicensed alternative health practitioner
- Any agreement or arrangement with another licensed or unlicensed practitioner where they derive a financial gain, and the benefits resulting from it

Complementary or alternative health care practitioners will provide the client with a copy of this document and the list of prohibited practices. They will retain this signed client document for at least 2 years.

## LIST OF PROHIBITED PRACTICES

No complementary or alternative health care practitioner shall do any of the following:

- Knowingly provide a medical diagnosis of a disease
- Perform surgery or any procedure that punctures the skin, except for pricking a finger for screening purposes
- Perform any adjustment of the articulation of the joints or spine of any individual
- Use or recommend any procedure involving ionization radiation
- Provide diagnosis or treatment of a physical or mental health condition knowing that it would pose a recognizable and imminent risk of significant and discernible physical or mental harm

- Knowingly counsel any individual to disregard the instruction or counsel of a licensed health care professional
- Knowingly counsel any individual to discontinue use of any dangerous drug, drug or therapeutic device prescribed by a licensed health professional authorized to prescribe drugs
- Administer or prescribe any dangerous drug except homeopathic remedies, device that requires a prescription from a licensed health professional authorized to prescribe drugs to obtain, or medical oxygen
- Hold out, state, indicate, advertise or otherwise imply that the practitioner is licensed by the state of Ohio to practice as a licensed health care professional, unless the practitioner is licensed
- Perform or provide enteral or parenteral nutrition
- Promise a cure
- Set a fracture of a bone
- Provide or perform an abortion
- Insert intrauterine devices
- Provide complementary or alternative health care services without consent of parent or legal guardian to any person who is less than 18 years of age and is not emancipated; any person that the practitioner knows to be mentally incompetent

## HOW THE PUBLIC IS PROTECTED

The listed requirements expected from alternative practitioners, along with the listed practices they are prohibited from doing, protect the public. If a complaint is made, the state can assess whether a practitioner did a prohibited act or failed to give out proper disclosure and if the practitioner has not complied with the law, he/she is not protected by the **safe harbor** exemption and proceedings will go forward accordingly. In this way, practitioners are able to practice

under these guidelines without the fear of being prosecuted, making them more available to the public. Consumers have access to the natural modalities and services they desire.

## WHY WE OPPOSE LICENSURE AND REGISTRATION FOR PUBLIC DOMAIN PRACTITIONERS

Many healing and health care practices are a normal and necessary part of social behavior and are inherent rights. As such they do not pose a risk to the public and should not be considered a privilege doled out by a government and requiring permission before one acts. The concept of healing, as a right of all people, should be preserved.

- Mandating even registration, such as signing up with the government before someone performs a healing act, takes it out of the public domain and puts it under a mandate of police power for no reason other than it is a healing act
- There is estimated to be over 1200 complementary and alternative modalities in practice today. Licensing every kind of practitioner practicing an alternative modality would require each of them to have separate boards of examiners, licensing requirements, and government inspectors.
- Freedom of Speech
- Many home remedies fall in the realm of common sense.
- Helping someone is a natural human right. As a society we need to encourage helping responses, not presume them dangerous.
- We are accustomed to registering criminals and other dangerous people. If no harm is being done, there is no reason for registration.
- A registration requirement would create a new crime for those who don't register. We have better uses for our police force.