

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 631**

**Representative Jordan**

**Cosponsors: Representatives Wiggam, Gross, Hall, Click, Schmidt, Ferguson,  
Creech**

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**A BILL**

To enact section 3792.05 of the Revised Code to 1  
protect the health care professional-patient 2  
relationship, to promote alternative drugs and 3  
therapies for the treatment of SARS-CoV-2, 4  
including its variants, and COVID-19, and to 5  
name this act the COVID-19 Health Care 6  
Professional-Patient Relationship Protection 7  
Act. 8

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

**Section 1.** That section 3792.05 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 3792.05.** (A) As used in this section: 11

(1) "Board of health" means the board of health of a city 12  
or general health district or the authority having the duties of 13  
a board of health under section 3709.05 of the Revised Code. 14

(2) "Department" has the same meaning as in section 121.01 15  
of the Revised Code. 16

(B) (1) Subject to divisions (B) (2) and (3) of this 17  
section, a patient who has been diagnosed with SARS-CoV-2, 18  
including its variants, or COVID-19 may use any of the following 19  
drugs or therapies, either alone or in combination with other 20  
available drugs and therapies: 21

(a) Hydroxychloroquine; 22

(b) Azithromycin; 23

(c) Ivermectin; 24

(d) Budesonide; 25

(e) Any other drug or therapy that may be proven effective 26  
or deemed beneficial by the patient's treating health care 27  
professional in consultation with the patient or patient's 28  
legally authorized representative. 29

(2) The patient may use any of the drugs or therapies 30  
described in division (B) (1) of this section if the following 31  
conditions are met: 32

(a) The patient or patient's legally authorized 33  
representative desires to use the drug or therapy. 34

(b) The patient's treating health care professional 35  
determines that use of the drug or therapy is appropriate for 36  
the patient's diagnosis. 37

(c) The treating health care professional obtains from the 38  
patient or patient's legally authorized representative informed 39  
consent to treatment with the drug or therapy. 40

(3) The health care professional-patient relationship 41  
shall be honored and the patient or patient's legally authorized 42  
representative reserves the right to choose the patient's 43

treatment, provided that informed consent is obtained in 44  
consultation with the patient's health care professional or the 45  
health care facility of the patient's or representative's 46  
choosing. 47

(C) A health care professional who recommends the use of a 48  
drug or therapy described in division (B)(1) of this section 49  
shall not be compensated by the drug's or therapy's manufacturer 50  
or distributor for making the recommendation. 51

(D)(1) Each board of health and department, including the 52  
department of health, shall enter into agreements with 53  
departments, nonprofit organizations, and other entities to 54  
promote and increase distribution of the drugs and therapies 55  
described in division (B)(1) of this section as alternative 56  
treatments for SARS-CoV-2, including its variants, and COVID-19. 57

(2) The agreements to be entered into shall include: 58

(a) Agreements for the procurement of those drugs and 59  
therapies; 60

(b) Agreements related to producing and distributing those 61  
drugs and therapies and making them widely available and 62  
accessible to public and private purchasers, including health 63  
care professionals and pharmacies. 64

(3) If funds are appropriated by the general assembly, 65  
each board of health and department may hire staff to oversee 66  
and manage the agreements for the promotion and distribution of 67  
the drugs and therapies identified in division (B)(1) of this 68  
section. 69

(E) A board of health or department, the state medical 70  
board or board of nursing, any professional association, a 71  
health care facility, pharmacy, or government entity or official 72

shall not do any of the following: 73

(1) Suppress the promotion of or access to the drugs and 74  
therapies described in division (B)(1) of this section; 75

(2) Reprimand, threaten, or penalize a health care 76  
professional for prescribing, administering, or promoting any of 77  
the drugs and therapies described in division (B)(1) of this 78  
section that the health care professional, in consultation with 79  
the patient or patient's legally authorized representative, 80  
deems to be necessary or beneficial. 81

(F)(1) A health care professional, patient, or patient's 82  
legally authorized representative may commence a mandamus action 83  
in accordance with Chapter 2731. of the Revised Code to obtain a 84  
judgment ordering a board of health or department, the state 85  
medical board or board of nursing, any professional association, 86  
a health care facility, pharmacy, or government entity or 87  
official to comply with this section. 88

(2) The court shall award reasonable attorney's fees and 89  
court costs to the prevailing plaintiff. The court also shall 90  
award the prevailing plaintiff monetary damages as follows: five 91  
thousand dollars a day for each business day that the person or 92  
entity described in division (F)(1) of this section fails to 93  
comply with this section, beginning with the day the mandamus 94  
action was filed. Such damages shall not exceed one hundred 95  
thousand dollars and shall be construed as compensatory rather 96  
than as a penalty. 97

**Section 2.** This act shall be known as the COVID-19 Health 98  
Care Professional-Patient Relationship Protection Act. 99