Freedom of Medical Choice to Promote Life Through Informed Consent

WHEREAS the Federal Drug Administration (FDA) requires phase I, II and III testing to be done in the United States costing 10s of millions of dollars and years of study for drugs or devices to receive FDA approval "for the treatment of" certain diseases or conditions, and,

WHEREAS according the Commonwealth Fund's, 2020 "Scorecard on State Health System Performance" report that ranks state healthcare systems by evaluating all 50 states and the District of Columbia by assessing more than 40 measures of access to health care, quality of care, efficiency in care delivery, health outcomes, and income-based health care disparities. In 2020, **Texas ranks 42nd in the nation up from 49th in 2019, 40th in Prevention and Treatment up from 45th and stays at 51st in Affordability and Access, in a nation that ranks 30th in the world according to** 2021 edition of the CEOWORLD magazine Health Care Index which ranks 89 countries according to factors that contribute to overall health,

WHEREAS with world-wide communications and ready access to credible scientific studies and peer review studies confirming safety and efficacy of drugs, supplements, herbs, therapies or devices available to the public, which we the people are free to pursue if we can afford to travel to locations that permit such treatments and,

WHEREAS the Texas Legislature has repeatedly stood up for medical freedom to be between the physician and patient like 85(R) HB 810, "*Charlie's law*" giving ability to receive expanded stem cells and the 84(R) SB 339 "*Compassionate Use Act*" giving access to medical marihuana, yet 84(R) HB 21, "*Right to Try*" bill gives access drugs classified as an "*Investigational drug, biological product, or device.* However, per Federal 21 USC § 360bbb-0a (2) the term "eligible investigational drug" means an investigational drug (A) for which a Phase 1 clinical trial has been completed; (B) **that has not been approved or licensed for any use** under of the Public Health Service Act [42 U.S.C. 262], which prohibits access to FDA approved therapies for patient treatment options like Ivermectin or Hydroxychloroquine for COVID-19.

WHEREAS the Texas Medical Board (TMB) rule 190.8 Violation Guidelines, (A) states, "*Failure to treat a patient according to the generally accepted standard of care"*, therefore, physicians routinely only prescribe FDA approved drugs, devices or therapies in order to be adhere to "*standard of care*" to not jeopardize their license to practice medicine.

THEREFORE BE IT RESOLVED that individuals seeking healthcare of their choice, for them, or their children, or those in their guardianship, from qualified and trusted physicians or other healthcare providers are entitled to pursue innovations in medicine through informed consent between the individual and their physician and/or healthcare provider, using treatments or therapies, which may or may not follow FDA, CDC or NIH guidelines, or may or may not be deemed to be "standard of care", and such actions may include indemnification to the provider and shall not to be deemed a violation of board rules.

Choose one:
Adopted by the _____ (Precinct _____) convention on March ____, 2022.

Adopted by the _____ (county/SD _____) convention on March ____, 2022.