

From: Sheila Hemphill <info@texasrighttoknow.com>
Sent: Thursday, May 21, 2020 1:16 PM
To: 'Brint Carlton'; 'Sherif Zaafran'
Cc: 'Lois.Kolkhorst@senate.texas.gov'; 'charles.perry@senate.texas.gov'; 'Senfronia.Thompson@house.texas.gov'; 'John Wray'; 'Bryan Law'; 'Robert Papierz'; 'milda.mora@house.texas.gov'; 'Benjamin Williams'; 'heather.fleming@gov.texas.gov'; 'bill.zedler@house.texas.gov'; 'Rules.Development@tmb.state.tx.us'
Subject: TMB Violation 190.8 (A) Rule Change Request.
Attachments: 051720-Italy-SIOOT Oxygen-Ozone Therapy For Covid-19--A Success In Italy--SIOOT REPORTS.pdf

Tracking:

Recipient	Read
'Brint Carlton'	
'Sherif Zaafran'	
'Lois.Kolkhorst@senate.texas.gov'	
'charles.perry@senate.texas.gov'	
'Senfronia.Thompson@house.texas.gov'	
'John Wray'	
'Bryan Law'	
'Robert Papierz'	
'milda.mora@house.texas.gov'	
'Benjamin Williams'	
'heather.fleming@gov.texas.gov'	
'bill.zedler@house.texas.gov'	
'Rules.Development@tmb.state.tx.us'	

Sherif Zaafran	Read: 5/21/2020 1:18 PM
Rules Development	Read: 5/21/2020 1:44 PM
Robert Papierz	Read: 5/21/2020 1:42 PM
Bryan Law	Read: 5/22/2020 10:37 AM
Benjamin Williams	Read: 5/22/2020 11:00 AM

Dear Mr. Carlton and President Zaafran,

Given the current Corona virus outbreak, there are numerous therapies, natural and by prescription, being reported and are documented to be beneficial for the treatment of COVID-19 but lack FDA approval. The lack of FDA approval is causing the CDC to continue to state that there is “no treatment” on the CDC summary page. From my April 2 [press release](#) calling on the US to consider Ozone, I have had many conversations with physicians from around the nation. Attached is updated report regarding the successful use ozone for the treatment of COVID-19 in 20 hospitals in Italy. The consensus from physician conversations is that it is the rules of medical licensing boards who are preventing treatment to COVID-19 patients from receiving off label use of these medications.

From your March 23, 2020 email stating , “The currently recognized standard of care includes infection prevention and control measures and supportive care, including supplementary oxygen and mechanical ventilatory support when indicated. The therapies that do not comply with the current standard of care and would need to either be considered as investigational Rule 198 or CAM Rule 200.” This statement along with rule 190.8, “(A) failure to treat a patient according to the generally accepted standard of care,” is a major contributor to the lack of treatment options being afforded to COVID-19 patients.

On behalf of the public, who the TMB is responsible to protect per the TMB mission statement, I am requesting a rule change to 190.8 (A) to be presented to the TMB board at the upcoming June board meeting.

Current rule language:

(A) failure to treat a patient according to the generally accepted standard of care;

Proposed rule change:

(A) failure to treat a patient according to the generally accepted standard of care without patient informed consent.

This rule change is supported by the World Medical Association’s Declaration of Helsinki - Ethics Principals Regarding Unproven Interventions in Clinical Practice:

“#37 In the treatment of an individual patient, where proven interventions do not exist or other known interventions have been ineffective, the physician, after seeking expert advice, with informed consent from the patient or a legally authorized representative, may use an unproven intervention if in the physician’s judgement it offers hope of saving life, re-establishing health or alleviating suffering. This intervention should subsequently be made the object of research, designed to evaluate its safety and efficacy. In all cases, new information must be recorded and, where appropriate, made publicly available.”

This rule change would enable patients to seek treatment based upon their own healthcare wishes with consultation from their physician and enable physicians to provide treatment without fear of board retaliation.

I humbly ask for the Texas Medical Board to enable treatment options to be between the patient and their physician.

I am aware this is a process and I am submitting this request via cc to Rules.Development@tmb.state.tx.us.

Thank you for your consideration,

Sheila Hemphill, CEO



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