



Physicians Caring for Texans

**House State Affairs Committee
Testimony by John Carlo, MD
House Bill 155 by Rep. Tom Oliverson, MD
Oct. 13, 2021**

Chair Paddie, Vice Chair Hernandez, and esteemed committee members:

Thank you for the opportunity to testify today on behalf of the more than 55,000 physician and medical student members of the Texas Medical Association. My name is Dr. John Carlo, and I'm a practicing public health and preventive medicine physician in Dallas. I'm testifying on House Bill 155, as our professional, learned assessment is that this bill is problematic for public health and could result in long-term negative impacts on the health of Texans.

Let me begin by stating unequivocally that our only consideration is patient health and safety. TMA does not support mandates. However, we do support local, community-oriented, evidence-based education and intervention that allow physicians and other frontline clinicians to treat Texans who are vulnerable, unable to be vaccinated, living in nursing homes, or disabled.

It bears reiterating vaccines are safe, effective, and lifesaving. It is scientifically proven and repeatedly demonstrated over many decades.

According to the Centers for Disease Control and Prevention, vaccination is the leading public health prevention strategy to end this pandemic. To that end, we agree with Governor Abbott's proclamation that everyone should choose to be vaccinated against COVID-19 because we know vaccines defend what matters. We urge Texas leadership to allow local autonomy for businesses and entities so they can decide, with the guidance of physicians and medical evidence, the best approach to ensuring their community's public health.

As much as we want the pandemic to be over and for our previous, normal lives to return, we must accept that the virus responsible for COVID-19 is not over, as evidenced by its mutations and highly transmissible variants. We are in a fourth wave and heading into flu season. And the number of patients with "long COVID" continues to increase as the number of Texans diagnosed with COVID-19 increases.

Prohibiting known, effective public health interventions – particularly proven vaccines – sets a precedent for future public health disaster responses that could be problematic. Any effort to undermine vaccine confidence may put Texans, especially our most vulnerable – children, the disabled, the immunocompromised, and the elderly – in harm's way.

There is no immune correlate of protection, which is the threshold at which having a specific number of antibodies means you are protected. Antibodies indicate previous exposure, not necessarily immunity, and cannot reliably be measured, nor are they steadfast protection against a variant of COVID-19. Any immunity from natural infection is specific to the person and much more variable than from a vaccine, which is standardized and can be measured. Natural infection does NOT provide a set antibody response, and how much antibody one person develops may be very different from another, as is the duration of immunity.

We implore and urge you to please allow all employers – both public and private – to make independent decisions regarding vaccination policy for their own workforces and patrons. This is not a subject we should leave to chance and the possibility of government overreach.

Proscribing the ability of health care facilities to require vaccination of employees introduces additional dangers in settings for healing and safety. Medical professionals and their colleagues must have the flexibility to determine best practices for their health care worker vaccination policies. By unilaterally banning COVID-19 vaccines for all employees, patients who cannot fight this infectious disease may be forced to forgo care or risk infection. An exemption protects no one from this rapacious contagion as asymptomatic people can still spread the virus.

Prohibiting sensible, proactive, science-based interventions like vaccinations and masks endangers everyone in Texas by taking public health tools and resources off the table. That's like telling coastal resident they cannot board up their windows or fill sandbags as a hurricane approaches.

Finally, promoting the use of lawsuits is not the answer we need during this pandemic and these contentious times. In fact, this provision of the bill is directly contrary to Senate Bill 6, which was passed during the 87th legislature to provide COVID-19 liability relief. This portion of the bill will only further confuse employers, including physicians and health care providers.

We appreciate the opportunity to comment and share our concerns regarding HB 155. We seek only to ensure that the health of all Texans remains our collective priority. Should you have any questions, please do not hesitate to contact me or any of TMA's advocacy team.