



Physicians Caring for Texans

Senate Health and Human Services Committee
Testimony by Donald Murphey, MD
Senate Bill 1489 by Sen. Bob Hall
April 21, 2021

Honorable Chair Kolkhorst and Members:

My name is Dr. Donald Murphey and I'm a pediatric infectious disease physician in Austin. Thank you for the opportunity to testify on behalf of the Texas Medical Association *against* Senate Bill 1489.

Texas physicians have been on the front lines of the COVID-19 pandemic since day one, risking our lives to save those of our patients. We've stayed close to the peer-reviewed science and recommendations by the Centers for Disease Control and Prevention, Food and Drug Administration (FDA), and National Institutes of Health (NIH) in COVID-19 prevention, treatment, and care. TMA's concerns with SB 1489 lie in the lack of scientific evidence, onerous burdens, and potential liability risks in the bill's requirements.

- SB 1489 requires the Texas Department of State Health Services to post a printable brochure containing information about preventive measures and treatments for COVID-19, including how to improve immune system function, and use of "nutraceuticals" or prescription medications for therapeutic prevention. Nutraceuticals, or dietary supplements, are not regulated by FDA, and NIH currently recommends *against* the use of any drugs for either pre- or post- exposure prophylaxis.¹ There is also no fully FDA-approved cure for COVID-19. Treatments have only received emergency use authorization as researchers test a variety of options. There is a lot of misinformation circulating about ways to prevent and treat COVID-19 that is not backed by science.² And while it may be tempting to use a questionable product or method to stay healthy during the pandemic, it is extremely unlikely to work and may even cause serious harm.
- TMA is also concerned about the onerous burden this bill will place on physicians to have to provide printed copies of these brochures to all patients who get tested. Consider last summer when well over tens of thousands of Texans were being tested in a day and the sheer burden this bill would have placed on our frontline workers. Physicians already have countless administrative burdens. SB 1489 would add yet more onerous requirements onto physicians that take time, energy, and resources away from our most important role: taking care of patients. Please do not add additional red tape to treating patients.

- The brochure proposed in SB 1489 also encroaches on physician autonomy and freedom to practice medicine based on their own medical expertise, as the handout may provide recommendations on prevention and treatment that might not be appropriate for a patient’s medical history. The information provided could possibly be misconstrued as government “practice of medicine,” and an even bigger concern here is if the physician would be held liable should a patient still contract COVID-19 after following the brochure’s prevention recommendations. Handing a patient a brochure does not substitute for the direct care of a patient by a physician to prevent or treat COVID-19.

TMA understands and appreciates the bill author’s intent to try to improve Texas’ COVID-19 response; however, we feel SB 1489 could possibly do more harm than good. Thank you for the opportunity to comment, and I am happy to answer any questions.

¹ National Institutes of Health (NIH). COVID-19 Treatment Guidelines. Prevention and Prophylaxis of SARS-CoV-2 Infection. <https://www.covid19treatmentguidelines.nih.gov/overview/prevention-of-sars-cov-2/>. Accessed April 20, 2021.

² Mayo Clinic. Debunking COVID-19 (coronavirus) myths. March 3, 2021. <https://www.mayoclinic.org/diseases-conditions/coronavirus/in-depth/coronavirus-myths/art-20485720>.