

Judge Rules ‘Neigh’ on Using Ivermectin for COVID-19, Reversing Earlier Court Decision

An Ohio county judge has reversed a temporary ruling that ordered UC Health West Chester Hospital to treat a COVID-19 patient with ivermectin based on an outside doctor’s prescription.

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Judge Michael A. Oster Jr. wrote in the decision that “there can be no doubt” the medical and scientific communities do not support ivermectin, a drug best known as a horse deworming medication, as a treatment for COVID-19.

Although he said he was sympathetic to the plaintiff’s situation, Oster wrote that “public policy should not and does not support allowing a physician to try ‘any’ type of treatment on human beings” and that the broader rights of the hospital and whether providers should be mandated to deliver care they believe unnecessary needed to be considered alongside patient autonomy.

The ruling, however, comes after a 14-day temporary injunction from another judge that ordered West Chester Hospital to administer the prescribed dosage of ivermectin.

The plaintiff’s legal representation [told a CBS affiliate](#) that the court battle was an ultimate success, as the temporary injunction resulted in 13 days’ worth of ivermectin and an apparent improvement in the patient’s condition.

“[The plaintiff] has won this case; I don’t care what this judge says,” Ralph Lorigo, the attorney representing the plaintiff, said. “We are believers he’s going to survive because of ivermectin.”

Filed Monday, the case is the latest in a string of legal battles between hopeful families and hospitals regarding the controversial treatment, which according to [the Food and Drug Administration \(FDA\)](#) and [the Centers for Disease Control and Prevention](#) (PDF) is only indicated for use in humans for treating certain internal and external parasitic infections and in animals like horses and cows for heartworm prevention and other parasitic infection

treatments.

“You are not a horse. You are not a cow. Seriously, y’all. Stop It,” the [FDA wrote in an uncharacteristically cheeky August tweet](#) warning against using the drug for COVID-19.

The drug has been sought by COVID-19 patients and their families for several months but has recently gained [an upswell of demand](#) as well as endorsements from high-profile media personalities such as [Alex Jones](#) and [Joe Rogan](#).

According to recent [media reports](#), many states are reporting a spike in calls to poison control centers regarding the use of ivermectin.

The case centered around a male patient, Jeffrey Smith, who according to court documents was admitted to West Chester Hospital’s ICU July 15 for COVID-19 treatment and Aug. 1 was intubated and placed on a ventilator.

His wife Julie Smith, acting as his guardian, sought and received a prescription for ivermectin from Fred Wagshul, M.D., an advocate for ivermectin as a COVID-19 treatment who is not board-certified and does not have privileges at the hospital. When West Chester Hospital refused to administer the treatment, Julie Smith sued the hospital.

West Chester Hospital’s physicians and counsel argued against Wagshul’s credentials over the course of the case, stressing that he had not worked in a hospital for a decade and would not currently meet their criteria for employment. They also said that his decision to prescribe a treatment without first seeing Jeffrey Smith was poor medical practice and that the hospital would follow the medical advice of its own experts.

“At UC Health, we respect the expertise of our clinicians and appreciate the scientific rigor used to develop treatments, medications and other therapies,” a spokesperson for the hospital [told The Cincinnati Enquirer](#). “We do not believe that hospitals or clinicians should be ordered to administer medications and/or therapies, especially unproven medications and/or therapies, against medical advice.”

The time since the temporary ruling has also seen agencies and professional organizations—such as the [American Medical Association, the American Pharmacists Association and the American Society of Health-System Pharmacists](#)—come out in stronger opposition to ivermectin as a COVID-19 treatment, a development Oster noted in his decision.

Similar legal disputes across the country have gone both ways for hospitals pressured to administer ivermectin.

Last week in Illinois, a county judge [ruled against the family of another patient](#) represented by Lorigo who was receiving treatment for COVID-19 at Memorial Medical Center. The attorney’s clients had more success earlier in the year against [Edward-Elmhurst Health](#) and [Rochester General Hospital](#).

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