



Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Harbhajan Ajrawat, M.D., Chair

2024 SESSION POSITION PAPER

BILL NO.: HB 691 – Legally Protected Health Care – Gender-Affirming Treatment
COMMITTEE: Health & Government Operations
POSITION: Favorable

TITLE: Legally Protected Health Care – Gender-Affirming Treatment

POSITION & RATIONALE:

The Maryland Board of Physicians (the Board) is submitting this letter in support of House Bill (HB) 691 – Legally Protected Health Care – Gender-Affirming Treatment.

It is the mission of the Board to assure quality health care in Maryland through the enforcement of the Maryland Medical Practice Act. The Board is the regulatory body tasked with investigating violations of the Medical Practice Act and intervening when necessary. While investigations may look at many factors, one core question always emerges: did the patient receive medical care that met the proper standard of care, as determined by appropriate peer review? In every such decision, the Board attempts to center the patient and the care they received when reviewing complaints.

Unfortunately, some state medical boards have taken a different approach, restricting certain types of care even when such care was determined to be medically necessary. This is especially prevalent in the space of gender-affirming treatment. While Maryland places no restrictions on gender-affirming treatment, instead leaving this as a decision between healthcare providers and their patients and caregivers, the Board is concerned that other jurisdictions will attempt to use the Board as a tool to enforce their own restrictions. The Medical Practice Act has some provisions that prevent the Board from taking disciplinary action based on licensing authorities in other states if the action would not be grounds for discipline in this state. However, interstate licensure is a complex process and automatic sanctions are still possible through mechanisms such as the Interstate Medical License Compact (IMLC). This means that a provider in Maryland could potentially see sanctions on their Maryland license for care that is completely legal and would not be grounds for discipline in this state.

HB 691 closes this concern by including gender-affirming treatment under the umbrella of legally protected health care, provided it was done in accordance with the laws in this state. This would not prevent the Board from taking action in cases where a healthcare practitioner failed to meet the appropriate standard of care, but would prevent the Board from being used as the enforcement arm for other states with differing laws and standards. By removing this concern, HB 691 ensures that the focus of any disciplinary action is once again where it belongs: on the patient and the medical care they receive.

Thank you for your consideration. For more information, please contact Matthew Dudzic, Manager of Policy and Legislation, Maryland Board of Physicians, (410) 764-5042.

Sincerely,

A handwritten signature in black ink that reads "Singh Ajrawat". The signature is written in a cursive style with a large initial 'S'.

Harbhajan Ajrawat, M.D.
Chair, Maryland Board of Physicians

The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.