

TO: The Honorable Pamela Beidle, Chair
Finance Committee

FROM: Dr. Errol Fields, M.D., Ph. D., M.P.H
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SB 119 – Legally Protected Health Care – Gender-Affirming Treatment

Thank you for the opportunity to submit this written testimony on behalf of Johns Hopkins University and Medicine. Johns Hopkins urges a favorable report on **Legally Protected Health Care – Gender-Affirming Treatment (SB 119)**.

The undersigned are clinicians representing the specialties of internal medicine (Dr. Hedian), pediatrics and adolescent medicine (Dr. Fields), plastic and reconstructive surgery (Dr. Liang) and nursing, health equity and transgender/gender-expansive healthcare program subject matter expertise (Ms. Neira). Each of us has years, if not decades, of training and experience in providing medically-necessary, evidence-based care to transgender and gender expansive patients and are involved in the care provided by our interdisciplinary service line, the Johns Hopkins Center for Transgender and Gender Expansive Health (JHTCH).

Since its inception in 2017, JHCTH has interacted with thousands of transgender and gender expansive adults and youth seeking gender-affirming care. Many of those seeking care from our health system come from outside of Maryland. In the past two years, as many other states have enacted legislation designed to bar access to gender-affirming care for transgender and gender expansive youth and adults, and criminalize, or otherwise penalize, supportive parents and guardians as well as clinicians who provide such care, the number of non-Maryland residents seeking gender-affirming care in Maryland has increased markedly. The attacks on medically-necessary, evidence-based, gender-affirming care are unprecedented. The mere threat of potential criminal or civil penalty for providing appropriate legal care in Maryland negatively

impacts our ability to deliver high-quality medical care within Maryland. This extra-jurisdictional threat is designed to harass and intimidate both clinicians and patients.

Before 2020, no state banned gender-affirming care for transgender and gender expansive youth. By January of 2024, at least 23 states have attempted to ban this access to care. At least 16 states' attempts to implement such bans are being litigated in either state or federal courts. These actions are creating medical refugees within the United States in a similar manner to those seeking reproductive care. In 2023, over 725 anti-LGBTQ+ bills were offered across almost every state, including Maryland, and in Congress. In 2024, over 400 anti-LGBTQ+ bills have been offered across the states during the current legislation session. These bills or executive policies have been enacted over the objection of every major, reputable American health professional association often while ignoring the standards of care, best medical practices and expert testimony on the evidence-based practices.

Given the current national political environment and the widespread dissemination of intentional misinformation and gaslighting concerning gender-affirming care on the internet and social media, legislative actions to protect and defend those who are most vulnerable, and those who provide them care, is imperative.

Fears about the use of government power by bad actors to create additional barriers to care and perpetuate existing health inequities are not irrational. In fact, the attorneys general of Tennessee and Texas have already sought to obtain medical records from health care providers using the pretext of conducting "fraud" investigations into gender-affirming care. In the case of Texas, the attorney general has sought records from Washington- and Georgia-based clinicians and health systems related to care sought by Texas residents.

To counter this overreach, eleven states and Washington, DC have enacted "shield" laws to protect the provision of gender-affirming care. An additional 3 states have executive orders protecting gender-affirming care. In June 2023, Governor Moore signed Executive Order 01.01.2023.08, Protecting the Right to Seek Gender-Affirming Treatment in Maryland. This order directed state agencies to protect clinicians, health systems and patients traveling to Maryland to seek gender-affirming care. Further, it stated that, barring a court order from a Maryland or federal court, no state agency would comply with any subpoenas issued by other states seeking information about the provision of gender-affirming care in Maryland. While an important step furthering legal protections for transgender and gender expansive patients and their clinicians, the Executive Order noted that the actions of the Governor are limited to those actions within his legal discretion.

This bill strengthens those legal protections and ensures that a future gubernatorial administration cannot remove the protections by whim.

This bill provides the Maryland legislature an opportunity to again demonstrate our state's commitment to ensuring that all of our citizens, as well as our fellow Americans, can access medically-necessary, evidence-based healthcare without fear of harassment or intimidation.

Johns Hopkins University and Medicine urges the committee to issue a **favorable** report on **SB 119 - Legally Protected Health Care – Gender-Affirming Treatment**.

Thank you for your time and consideration.

Sincerely,

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