

MedChi

The Maryland State Medical Society

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TO: The Honorable Bobby A. Zirkin, Chair
Members, Senate Judicial Proceedings Committee
The Honorable H. Wayne Norman

FROM: J. Steven Wise
Joseph A. Schwartz, III
Pamela Metz Kasemeyer
Danna L. Kauffman

DATE: March 4, 2015

RE: **OPPOSE** – Senate Bill 617 – *Criminal Law – Professional Counselors and Therapists – Misconduct (Lynette's Law)*

The Maryland State Medical Society (MedChi), which represents more than 8,000 Maryland physicians and their patients, opposes Senate Bill 617.

Senate Bill 617 would make it a criminal act for a physician, among other health care professionals, to engage in intercourse with a person who is currently a patient or was a patient within the prior two years.

MedChi opposes this legislation for the simple reason that the acts covered by SB 617 are more properly treated as ethical matters than as criminal ones. We agree that such relations are improper, and that is why professional organizations have adopted ethical guidelines in this regard. For example, the American Medical Association considers it to be an ethical violation if a physician has intercourse with a current or former patient, because even the former patient may be influenced by the trust relationship that once existed between physician and patient. The American Psychiatric Association follows a similar guideline.

To the extent there is criminal activity in the nature of rape or other sexual offense, the physician is subject to the same criminal laws as anyone else. But making the physician-patient relationship the basis of the crime is, in our view, inappropriate and should instead be addressed through ethical rules, as it already has been.

For these reasons, MedChi opposes Senate Bill 617.

For more information call:

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