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House Judiciary Committee

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House Bill 1209 – *Conversion Therapy – Prohibitions and Causes of Action*

**LETTER OF INFORMATION**

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, submits this letter of information on House Bill 1209.

This legislation proposes numerous changes in liability laws affecting health care providers who engage in conversion therapy. Initially, it is important to understand that Maryland acted in 2018 to ban physicians and other mental health providers from engaging in conversion therapy. *See* Health Occ. §1-212.1. Furthermore, the American Medical Association has declared that conversion therapy is not based on medical or scientific evidence.

House Bill 1209 takes additional steps and establishes that conversion therapy is a basis for a medical malpractice action, allows any licensed mental health provider to be a qualified expert in any medical malpractice action related to conversion therapy, repeals the cap on noneconomic damages in any action related to conversion therapy, makes it a criminal offense to engage in conversion therapy, and extends the statute of limitations for actions arising from conversion therapy to the plaintiff's lifetime in the case of conversion therapy performed while the person was a minor, and for 20 years in the case of an adult.

Our principal concern with House Bill 1209 is the proposed repeal of the noneconomic damages cap for conversion therapy cases. Currently, there is legislation pending that would remove the cap on noneconomic damages entirely on all non-medical malpractice cases, and MedChi has opposed even that legislation because we know the next step will be a repeal of all caps, including the one covering medical malpractice. Similarly, this legislation carves out one type of case from the cap, and it is our concern that other proposals will follow to carve out other cases. The cap ensures that we have a stable malpractice insurance market for physicians, and that our State is an affordable place for all providers, particularly when we have shortages of all types of providers. Removing the damage cap injects uncertainty into the malpractice marketplace, and our concern is that this bill begins a trend of removing that cap.

Thank you for your consideration of this information.

**For more information call:**

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