



March 5, 2024

Chair Robert Craven
House Judiciary Committee
Rhode Island House of Representatives
Rhode Island State House
82 Smith Street
Providence, RI 02903

HouseJudiciary@rilegislature.gov

Re: H7577 – Health Care Provider Shield Bill

Dear Chair Craven, First Vice Chair McEntee, Second Vice Chair Knight and Members of the Committee:

GLBTQ Legal Advocates & Defenders strongly supports H 7577, the Health Care Provider Shield Act. We thank Representative Edwards and all of the co-sponsors for bringing forth this timely bill.

Access to medically necessary, best-practice health care is central to the well-being of all people and communities in Rhode Island. We appreciate the hard work of Rhode Island health care providers to care for people across the state, through many and ongoing challenges, to keep the people of Rhode Island healthy.

Rhode Island has a deep commitment to fairness and equality for all people, including a history of being the second state to include transgender people in our nondiscrimination laws. Rhode Island recognizes transgender people are vital parts of our families and communities with respect to state identification and forms, name changes, and addressing healthcare needs. Together, we have taken thoughtful steps to include transgender people in our shared goal of building an inclusive, thriving state.

Through H 7577, Rhode Island would act to shield Rhode Island providers from the threats posted by cruel and harmful actions in other states to restrict, civilly and criminally, access to gender-affirming and reproductive health care. State bans on transgender health care passed at an alarming rate in 2023, and now over 20 states ban access to gender-affirming care.¹

H 7577 signals that our state will use its resources (1) to ensure that **individuals**, not the government, are the ones making decisions about their own healthcare and well-being and (2) to

¹ Movement Advancement Project, *Equality Maps: Bans on Best Practice Medical Care for Transgender Youth*, https://www.lgbtmap.org/equality-maps/healthcare_youth_medical_care_bans (last visited March 4, 2024).

ensure that Rhode Island providers are **shielded** as much as possible from unfounded efforts to restrict or criminalize vital evidence-based health care.

The goals of this bill are so important at this time when transgender people and their families are facing unprecedented attacks in other states, most concerningly bans on medical care. For example, Alabama enacted a law² that makes it a **felony** with a possible ten-year prison sentence for a provider, parent, or anyone who assists a young person accessing medically necessary transgender-related health care services. As of this writing, **23 states have banned access to gender-affirming care**, including Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Iowa, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Montana, North Carolina, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, and West Virginia.³ This represents an alarming increase on the rate of attacks on medically necessary gender-affirming health care.

Many states are acting to protect their residents and health care systems so that people can get the effective and sometimes life-saving care they need. Currently, seventeen states and Washington, DC have enacted shield laws to protect access to health care, patients, and providers. Of those, fourteen states include explicit protections for gender-affirming health care including Vermont, Colorado, California, Massachusetts, Minnesota, New Mexico, New York, Washington, Connecticut, Illinois, Oregon, Arizona, Maryland, and New Jersey.⁴

It is important for Rhode Island to enact a shield bill to protect providers, patients, and access to health care in our state. In brief, in addition to including provisions from Governor McKee's executive order relating to reproductive health care,⁵ the bill's key highlights include the following provisions:

- Rhode Island court and law enforcement resources will not be used to further state bans on transgender health care that are trying to intrude into Rhode Island and inflict civil and criminal liabilities on Rhode Island health care providers.
- Rhode Island providers should not be subjected to rate increases or changes in malpractice insurance coverage on the basis of providing gender-affirming health care as well as protected from discipline and other adverse consequences for their Rhode Island license for providing gender-affirming health care.
- Protection for the full range of providers – including doctors, physician assistants, nurses, social workers and so forth – who are involved in providing interdisciplinary and individualized gender-affirming health care, including protection from adverse actions relating to their licenses and hospital privileges.
- Protection for providers regardless of the location of the patient, ensuring that Rhode Island providers who may care for Rhode Islanders traveling out of state or attending school out of state, are shielded from the impact of overreach from other state bans

² Ala. Code §§ 26-26-1 – 26-26-9. GLAD is currently challenging this ban, as well as the Floridan gender-affirming health care bans.

³ Movement Advancement Project, *supra* n.2.

⁴ Movement Advancement Project, *Equality Maps: Transgender Healthcare “Shield” Laws*, https://www.lgbtmap.org/equality-maps/healthcare/trans_shield_laws (last visited March 4, 2024).

⁵ R.I. Exec. Order No. 22-28 (July 5, 2022), available at <https://governor.ri.gov/executive-orders/executive-order-22-28>.

- Establish a cause of action in Rhode Island to shield providers from abusive litigation in ban states for providing health care in Rhode Island.

The importance of action in this moment cannot be overstated. Attacks on this evidence-based, standard of care health care seeks to undermine essential health care for those who need it and drive health care providers from Rhode Island. We seek to keep our health care systems strong and serving people throughout the State. We hope that the Committee will favorably vote this bill out of committee. Please do not hesitate to contact me for additional information.

Sincerely yours,
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