

## BULLET POINTS IN RESPONSE TO HB 658

Cancels therapist, physician, educator and judicial discretion in matters that require expertise and training.

HB 658 states “Notwithstanding a written, informed consent provided by the parents, guardian, or custodian, there is a rebuttable presumption of negligence when a medication is administered off-label to a child to treat gender dysphoria or its symptoms and an adverse physical or psychological reaction or injury to the child results.”

This is the practice of medicine by legislation. It states that physicians may not practice in a manner they deem the most efficacious and compassionate. It offers no definition of what constitutes “an adverse physical or psychological reaction or injury.” This is rife with potential liability based on mere opinion of possibly untrained individuals.

Criminalizes normal discourse between therapist and child patient, educator and student, child care workers and their charges. It states “No government agent or entity shall purposely or knowingly authorize or provide gender dysphoria treatment for a child without the written, informed consent of each of the child’s parents and the child’s guardian or custodian, as required in section 2131.144 of the Revised Code. A violation of this section is gender dysphoria treatment without parental consent, a **felony of the fourth degree.**”

May require therapists and physicians to violate HIPPA privacy laws, placing therapists and physicians in a legal “double bind.”

Violates standards of care in psychological practice and medical care by requiring that psychologists, physicians, and other mental health therapists violate the confidentiality of adolescent patients.

Leaves poorly defined what constitutes “gender dysphoria” and “gender nonconformity” but places a burden on those who work with children and teenagers to divulge to parents when these are observed in their children. Essentially, it places a burden to disclose things that will require a high level of “guess work” on the part of those who professionally come into contact with children and adolescents.

HB 658 states that “If a government agent or entity has knowledge that a child under its care or supervision has exhibited symptoms of gender dysphoria or **otherwise demonstrates a desire to be treated in a opposite of the child’s biological sex**, the government agent or entity with knowledge of that circumstance shall immediately notify, in writing, each of the child’s parents and the child’s guardian or custodian. The notice shall describe the total circumstances with reasonable specificity.”

This apparently extends to teachers and other child care workers who could be defined as government agents and contractors. This problematic paragraph does not really define well what constitutes the need to report and is certain to be misunderstood.

HB 658 testimony misrepresents the relevant research as supporting HB 658 when a good reading of the relevant research, even that cited by Reps Brinkman and Zeltwanger, would call into question the basic tenants of HB 658.

HB 658, as written and proposed, presents a sophomoric understanding of “gender dysphoria.” It is described simplistically and the treatments listed, but poorly described in such a matter as to betray ignorance of what treatment might mean.

HB 658 sponsors in testimony fail to demonstrate an understanding of child development, child development of sexual and gender identity, and, most importantly, adolescent development and the nature of work with adolescents.

HB 658 sponsors in testimony elevate the standing of parents above professionals in areas that parents usually need help with. The help would usually come from the very same professionals HB 658 targets.

HB 658 tacitly supports so-called “conversion therapy” and “reparative therapy” which are considered unethical for Psychologists to practice. Please see OPA’s position on conversion therapy.

HB 658 removes judicial discretion in matters of custody when child demonstrates a need for “gender dysphoria treatment” and the parents refuse. With no other medical condition is such a prior restraint on a judge imposed.