



**TESTIMONY OF THE MAINE MEDICAL ASSOCIATION  
AND  
THE MAINE OSTEOPATHIC ASSOCIATION**

**In Support Of**

LD 227, An Act Regarding Health Care in the State

Joint Standing Committee on Health Coverage, Insurance and Financial Services  
Room 220, Cross Building, Augusta, Maine  
Tuesday, February 20, 2024

Good afternoon, Senator Bailey, Representative Perry, and Members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services. My name is Anne Sedlack, and I am the Director of Advocacy at the Maine Medical Association. I am submitting this testimony in support of LD 227, An Act Regarding Health Care in the State and its amendment on behalf of the Maine Medical Association and the Maine Osteopathic Association.

The Maine Medical Association (MMA) is a professional organization representing more than 4,000 physicians, residents, and medical students in Maine. MMA's mission is to support Maine physicians, advance the quality of medicine in Maine, and promote the health of all Maine people. The Maine Osteopathic Association (MOA) is a professional organization representing more than 1,200 osteopathic physicians, residents, and medical students in Maine whose mission is to serve the Osteopathic profession of the State of Maine through a coordinated effort of professional education, advocacy, and member services in order to ensure the availability of quality osteopathic health care to the people of this State.

This year MMA and MOA's legislative committees have joined together to advocate from one voice. We all have determined that it is important to provide our general support for the overall goals of LD 227 for the following reasons.

First, protecting access to reproductive and gender-affirming care is essential to protecting access to health care.<sup>1</sup> Both gender-affirming and reproductive care are private interactions between a patient and their clinician. There is no room here for the State to intervene. States and politicians in other States have already inserted themselves between

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<sup>1</sup> <https://pubmed.ncbi.nlm.nih.gov/22654902/>

patient and clinician, so we need to pass LD 227 to add protections for our health care clinicians practicing in Maine.

Second, the bill creates protections for health care clinicians, and subsequently their patients, from other States' hostile litigation attempts. Maine's clinicians work hard to ensure patients receive the best choices for medical care. Establishing these activities as Legally Protected Health Care Activity legitimizes and destigmatizes the patients' choice of care while simultaneously preventing clinicians from having to choose between offering standard care and potentially violating the law.<sup>2</sup> Although these issues have become highly politicized, our priority is ensuring that patients have access to whatever care they and their clinician deems appropriate, safe, and beneficial.

Third, the State of Maine has a broad public health interest in protecting physical and mental health, as well as safeguarding the privacy of patients. Besides alleviating patients' mental burden associated with wondering whether these forms of care will be protected, clinicians will best be able to make decisions concerning their patients' physical health when they are certain that doing so will not result in interference from other States.<sup>3</sup> Protections from interference from other States' laws strengthens the confidentiality of healthcare information by limiting that information to the patient and their physician.

Finally, we wanted to note that we are generally supportive of the intent of the bill; however, we did want to raise a concern with the bill as drafted. Our concern is that it might effect the medical licensure compact because it would create a conflict in laws with other states. This is a risk that 17 other states have taken but we just have not had the time to review the concerns with our members so we would reserve our full support until that time. We are committed to working with the proponents to get this piece ironed out before the work session, and we appreciate their work on protecting health care clinicians in providing this important care for patients.

Thank you for considering the thoughts of Maine's physician and public health communities about LD 227. We urge you to support this bill. I would be happy to respond to any questions you may have.

Thank you,

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<sup>2</sup> McGuire L. Outlawing trans youth: state legislatures and the battle over gender-affirming healthcare for minors. *Harv Law Rev.* 2021;134(6):2163-2185.

<sup>3</sup>[https://www.cell.com/cell-reports-medicine/fulltext/S2666-3791\(22\)00262-2?returnURL=https%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS2666379122002622%3Fshowall%3Dtrue](https://www.cell.com/cell-reports-medicine/fulltext/S2666-3791(22)00262-2?returnURL=https%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS2666379122002622%3Fshowall%3Dtrue)