

April 21, 2023

The Honorable Tom Cotton
326 Russell Senate Office Building
Washington, DC 20510

The Honorable Jim Banks
418 Rayburn House Office Building
Washington, DC 20515

Dear Senator Cotton and Representative Banks:

I am writing on behalf of First Focus Campaign for Children, a bipartisan child advocacy organization dedicated to making children and families the priority in federal policy and budget decisions, to state our opposition to the Protect Minors from Medical Malpractice Act of 2023 (H.R.1276/S.635).

While this bill claims to target healthcare providers, its ultimate impact will be reduced access to potentially lifesaving care for transgender children by discouraging providers from administering the treatment these children need. Preventing children from receiving the healthcare they need is dehumanizing and unscientific. Studies show that delayed access to gender-affirming care significantly harms transgender childrens' well-being and mental health.¹ Forcing transgender children to wait until they reach 18 prolongs the distressing period of gender-incongruity, which could lead to self-harm, worsening mental health, or suicidal ideations.² Discrimination, whether by family members, by the government, or in a healthcare setting negatively impacts non-gender conforming youth. Deleterious public policies are linked to poor mental health outcomes and suicidality.³

One of the most significant barriers to care for transgender youth is a lack of knowledgeable providers. By threatening to prosecute these few existing providers, this legislation strips children of the right to see a specialist and jeopardizes transgender childrens' mental health and overall well-being. Research shows that their mental health outcomes directly correlate with their exposure

¹ Sorbara, Julia C. et al. "Mental Health and Timing of Gender-Affirming Care." *Pediatrics*, Vol 146(4). October 2020. <https://publications.aap.org/pediatrics/article/146/4/e20193600/79683/Mental-Health-and-Timing-of-Gender-Affirming-Care?autologincheck=redirected>.

² Ibid.

³ Kinney, M. Killan, Pearson, Taylor E., Ralston Aoki, Julie. "Improving "Life Chances": Surveying the Anti-Transgender Backlash, and Offering a Transgender Equity Impact Assessment Tool for Policy Analysis." *Journal of Law, Medicine & Ethics*, Vol 50(3). November 18 2022. <https://www.cambridge.org/core/journals/journal-of-law-medicine-and-ethics/article/improving-life-chances-surveying-the-antitransgender-backlash-and-offering-a-transgender-equity-impact-assessment-tool-for-policy-analysis/C2DE4BF14DFF9B5A3F30A9268FF9CAC8>.

to an invalidating and dehumanizing environment.⁴ Many providers agree that access to gender-affirming care is crucial for positive health outcomes and is potentially lifesaving.⁵

Finally, this legislation is a harm to children's health and wellbeing by threatening states with the loss of all Department of Health and Human Services (HHS) funding should a state require providers to provide gender-affirming. Stripping states of their HHS funding would mean losing funding for Medicaid and CHIP; programs that cover over 41 million children, including foster youth, youth with disabilities, and those with special health care needs.⁶ Without these programs, millions of children would not be able to access even basic physical and behavioral health care, let alone life-saving care. If the legislative goal is to protect children and their wellbeing, Medicaid and CHIP should be maintained and expanded, not held hostage.

This legislation threatens the lives of transgender children across the country with no measurable benefit. We welcome the opportunity to work with your offices to advance legislation that genuinely intends to help children regardless of their identity. Thank you for your consideration.

Sincerely



Bruce Lesley
President

⁴ Call, David C., Challa, Mamatha, Telingator, Cynthia J. "Providing Affirmative Care to Transgender and Gender Diverse Youth: Disparities, Interventions, and Outcomes." *Current Psychiatry Reports*, Vol 23. April 13 2021.

<https://link.springer.com/article/10.1007/s11920-021-01245-9>

⁵ "Doctors Agree: Gender-Affirming Care is Life-Saving Care." American Civil Liberties Union. April 1, 2021.

<https://www.aclu.org/news/lgbtq-rights/doctors-agree-gender-affirming-care-is-life-saving-care>

⁶ "Medicaid & CHIP Enrollment Data." Medicaid.gov. Last accessed April 21, 2023.

<https://www.medicaid.gov/medicaid/national-medicaid-chip-program-information/medicaid-chip-enrollment-data/index.html>