

**Neutral Testimony on HB2791**  
**House Committee on Health and Human Services**  
**Kansas State Board of Healing Arts**  
**February 28, 2024**

Chair Landwehr and Honorable Committee Members,

Thank you for the opportunity to provide this neutral testimony concerning HB2791, the forbidding abusive child transitions act. My name is Susan Gile, and I am the Executive Director for the Kansas State Board of Healing Arts.

As written, HB2791 would bar healthcare professionals from treating minor patients whose gender identity is inconsistent with their sex. Though the Board remains neutral on the passage of this bill, we do believe that there are several factors that would be prudent to discuss:

First, we would like further clarification as to how New Section 3 would be amended or re-written in the future as the available literature/clinical knowledgebase develops. As you know, medical literature is a constantly-evolving field. To maintain their certifications, physicians are expected (and have an incentive) to stay up-to-date with current medical literature and guidance. It is our concern that it will be difficult to revise the notices required in New §3(b) if future medical literature provide new insights. It is our view that physicians should obtain informed consent from the patient and their parent or guardian by providing the most accurate and up-to-date information on these treatments. This bill would require physicians to provide *only* the information outlined in New Sec. 3, even if evidence arises showing new risks.

Second, we would like an explanation for the proposed 30-year window for civil action against a physician as outlined on page 4, 38-42. Previous iterations of this bill (see SB233) have stipulated a three-year window for a civil cause of action. The proposed 30-year window would not only be irregular for other professional malpractice cases (currently 4-year window), but would be triple the current limitation for felonies committed on persons under the age of 18. Investigations of these claims would be *extremely* difficult due to the amount of time elapsed and the broad definition of harms provided on page 4, lines 41-42.

Finally, while we appreciate the intent behind new section 3 with regards to informed consent, new section 4 would effectively prevent patients or their parents from providing it. We agree that these procedures *must* be explained in detail, and that any decision should be the result of thorough discussion with the patient, their guardian, and their physician. At its core, informed consent hinges on the ability of a patient to make their own healthcare decision. However, as outlined in new section 4, healthcare providers would be prohibited from performing any of the treatments outlined therein, even with the informed consent of a patient and their parent. This presents an undue burden on parents, patients, and physicians. It is our view that HB2791 would take that decision out of their hands entirely.

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Susan Gile, Executive Director

Laura Kelly, Governor

As stated above, the Board remains neutral on the passage of HB2791. We would welcome further discussion of the above items. Should you have any questions, please feel free to contact me at 785-296-3680

Thank you,

A handwritten signature in blue ink that reads "Susan Gile". The signature is written in a cursive style.

Susan Gile  
Executive Director

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