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February 22, 2010

The Honorable Thomas R. Caltagirone
Chairman, House Judiciary Committee
106 Irvis Office Building
PO Box 202127
Harrisburg, PA 17120-2127

Dear Chairman Caltagirone,

Thank you for the opportunity to submit written testimony on House Bill 928 for the House Judiciary Committee's hearing on February 22. This bill would implement new reporting requirements for pre-teenage girls who are pregnant or who have a sexually transmitted disease. It also would place unnecessary barriers to care for all teens under the age of 18 attempting to get treatment for a pregnancy or for an STD. HB 928 places the ability of teens to access critical healthcare at great risk. The American Civil Liberties Union of Pennsylvania opposes HB 928. On behalf of the approximately 16,000 members of the ACLU of Pennsylvania, I urge you to oppose it, as well.

HB 928 puts teenagers at risk. The bill requires all teens under the age of 18 to provide "credible written evidence," such as a school record, healthcare record, or health insurance record, before the teen is able to receive care for pregnancy or sexually transmitted diseases (STDs). If the teen cannot provide this information, the health care practitioner will be unable to provide treatment without risking prosecution. Therefore, this identification requirement will serve as a barrier to care and drive teens away from health care providers. HB 928 could cause teenagers – already a high risk population – to forego medical appointments and miss or dangerously postpone screening and treatment for STDs, routine gynecological exams, and other vital health care services.

HB 928 alters long-standing public health policy. Under Pennsylvania law, a minor can consent to treatment for pregnancy or an STD. These laws protect the privacy of teens who are being abused by a parent or parents or who have some other reason why they must keep their condition private. But to provide "credible written evidence" of their age, a teenager would likely require the help of an adult. This requirement undermines a teen's right to private medical care, and will drive teens away from the services they need.

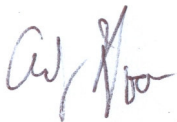
The bill endangers children in another way. HB 928 requires a medical practitioner to inform a child's parent of the child's condition. But there is nothing in the bill to

exempt this requirement when the parent is abusing the child. Doctors will be informing abusive parents that they are aware of their children's conditions, potentially placing the child in more danger.

Another major concern is that the bill lacks any protections of a victim's medical information. For a preteen who has been the victim of child abuse, the reporting requirements of this bill could be devastating. By our count, in addition to the mandated reporting of child abuse to Childline, there would be an additional six entities that would be informed about the alleged abuse: the child predator unit in the Attorney General's office, the chief of the administrative office of her county, the county district attorney, the local chief of police, the Pennsylvania State Police, and her parent or guardian. There are no requirements in the bill for protecting her privacy. Once her medical information leaves the hands of medical providers, it is unlikely that strict HIPAA type protections would be afforded to the victim.

HB 928 is loaded with privacy problems for young people in need of medical treatment. It will also effectively drive them away from seeking the very care they need. The ACLU of Pennsylvania urges you and committee members to oppose this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy Hoover".

Andy Hoover
Legislative Director

CC: House Judiciary Committee