

Written Opponent Testimony, HB 68
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House Public Health Policy Committee

Chair Lipps, Vice-Chair Stewart, Ranking Member Liston, and members of the House Public Health Policy Committee, thank you for the opportunity to provide testimony. My name is Stephanie Ash (she/her) and I recently graduated with a Master of Social Work from Cleveland State University. I am a member of the Social Work Criminalization Task Force with the National Association of Social Workers, Ohio Chapter (NASW-OH) and am also a licensed attorney in Ohio. I am here today to talk about the intersection of law and social work and why I am strongly opposed to HB 68 not only because of its devastating impact on gender diverse youth, but also because of the very real threat of disciplinary action and investigation by the State.

HB 68 requires social workers to act against our professional Code of Ethics and creates an impossible situation where our ethical and legal responsibilities to clients are the complete opposite of what will be required by law if this bill passes. The NASW Social Work Code of Ethics requires social workers to follow evidence-based practice, uphold individual self-determination, enhance client well-being, fight against discrimination, and protect the confidentiality of our clients. Gender-affirming care is an evidence-based standard of practice that has international multidisciplinary support because it is safe, effective, and lifesaving [1]. It is also consistent with our Code of Ethics, which requires social workers to “respect and promote the right of clients to self-determination” and respect the dignity and worth of the person [2].

HB 68 threatens a loss of licensure for “unprofessional conduct” that is not considered unprofessional by the NASW Code of Ethics. If social workers do what is required by HB 68, we can lose our license for not following our Code of Ethics. If social workers follow our Code of Ethics, we can lose our license since HB 68 requires us to act unethically. Passage of this bill means that social workers **cannot act at all** without risk of losing their license. I do not have a social work license yet, but personally, I would forgo any professional license that required me to act against my personal and professional values. I know I am not the only one.

Another deeply concerning aspect of HB 68 is mandated reporting for mental health professionals who provide gender-affirming care to the Ohio Department of Health. Although gender diverse youth are not required to be specifically identified (yet), mental health professionals submitting data will be identified. The names of providers will be subject to public records requests, potentially opening up providers to harassment. Further, HB 68 gives the Ohio Attorney General power to bring an action to enforce compliance and there are no protections in the bill shielding mental health providers from harassing investigations and subpoenas by the Attorney General’s office. By providing care in line with our ethical obligations, social workers must add themselves to a ready-made target list in the State’s investigatory crosshairs.

Social workers are also concerned about receiving subpoenas from the Attorney General which require them to disclose information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and go against the NASW Code of Ethics, which requires social workers to “protect the confidentiality of all information obtained in the course of professional service” [3]. Although subpoenas can be fought, this requires time, energy, and resources that most mental health professionals and agencies are not able to easily provide. Providers will be forced to divert scarce resources to expensive legal representation and liability insurance instead of using those resources to treat all of their clients, not just youth seeking gender-affirming care.

Given the ethical and legal ramifications on the practice of social work, I ask you to stop HB 68 from becoming law. The requirements of this bill mean that social workers cannot act without risking their licensure and this is unacceptable. Instead of imposing limits on our practice, I urge you to keep gender diverse youth safe by passing laws protecting them from discrimination and hate, encouraging inclusive educational environments and after-school sports, and allocating more funding for mental health services.

[1] Bans on gender affirming care go against international standards of care for the gender diverse population ([World Professional Association for Transgender Health Standards of Care](#)) and recommendations from major medical associations, like the [American Medical Association](#), [American Academy of Pediatrics](#), and the [Pediatric Endocrine Society](#) just to name a few.

[2] NASW Code of Ethics, Standard 1.02 and Ethical Principles

[3] NASW Code of Ethics, Standard 1.07(c)