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MEDICAL SOCIETY®

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February 19, 2010

The Honorable Thomas R. Caltagirone  
Chairman, House Judiciary Committee  
PA House of Representatives  
House Box 202127  
Harrisburg, PA 17120-2127

Dear Chairman Caltagirone:

I am writing on behalf of the Pennsylvania Medical Society to express our concerns with House Bill 928, dealing with child rapists and predators.

First, let me state categorically that the Pennsylvania Medical Society strongly supports efforts to detect and prosecute child rapists and predators, and we stand ready to work with you and your committee to enhance those efforts. We agree with the legislation's premise that the state has a compelling interest in bringing these felons to justice.

However, sometimes well-meaning actions can have unintended consequences, and we believe that is the case with House Bill 928. The bill places the burden of proof of compliance on the treating health care provider, and then in section 6321.5(a)(4) deprives the provider of the right to prove his or her innocence if a written record was not prepared. It is not difficult to imagine any number of circumstances where a written record might not be needed because the provider has independent knowledge of the patient's age. For example, the provider might also coach the patient's youth soccer team, where birth certificates are required to prove age eligibility. House Bill 928 would deprive the health care provider of the right to prove his or her innocence in such a case. Other similar examples are easy to envision.

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As I stated at the beginning of this letter, we would be happy to work with you to address this important issue. However, we must object to legislation that prevents health care providers from demonstrating that they have solid outside information regarding a patient's age.

Thank you for your consideration.

Sincerely,

James A. Goodyear, MD FACS  
President

Cc: House Judiciary Committee