

**Health and Human Services Committee**

**LB 891**

**February 22, 2018**

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**Director, Division of Public Health & Chief Medical Officer**  
**Department of Health and Human Services**

Good afternoon, Senator Riepe and members of the Health and Human Services Committee. My name is Thomas Williams (T-H-O-M-A-S W-I-L-L-I-A-M-S) and I am the Director of the Division of Public Health and Chief Medical Officer for the Department of Health and Human Services (DHHS). I am here to testify in opposition to LB 891.

The Department does not support expanding the scope of protected classes in Nebraska statutes. As it relates to this bill, I oppose creating protected classes for sexual orientation and gender identity. Primarily because there has not been a demonstrated need of protection from discriminatory practices in this field. According to the Department's records, no psychologist has ever been accused and disciplined for engaging in discriminatory practices.


Furthermore, our position is in line with that of the United States government as laid out by Attorney General, Jeff Sessions. Since the passage of the Civil Rights Act of 1964, the United States currently holds that sexual orientation and gender identity are not protected classes.

Again, there does not appear to be the need to expand the definition of discrimination and this is in line with the long-time understanding of federal law.

The Department is also concerned about the effect this bill, if passed, would have on those who practice. Members of this committee are well aware of our state's need for medical professionals—particularly for mental and behavioral health professionals. A bill that would put practitioners in a place to violate their conscience and professional judgment would hinder our efforts to increase access to care for Nebraskans.

This bill stems from more than a decade of debate on the issue. Throughout the history of this debate, it has been clear to the Department that practitioners who are concerned about this law are comfortable with treating the vast majority of issues, and simply object to a very narrow set of issues. This is due to their professional judgment and their firmly held beliefs. LB 891 would violate these practitioners' free speech rights by coercing them to provide services they fundamentally object to. This would set a harmful precedent for further state coercion of medical professionals. In the Department's opinion, forcing practitioners to violate their fundamental beliefs and professional judgments does not serve Nebraskans well. Our fellow citizens are not served well by forcing medical professionals to provide a service they fundamentally disagree with. If the goal is to expand access and increase the quality of care, then this bill would not achieve it.

It is our desire to expand access and the quality of care to all Nebraskans without driving practitioners out of the healthcare system. For these reasons, we oppose LB 891. I am committed to working with



the Board of Psychology, Board of Mental Health Practitioners, and other stakeholders to move regulations, which the Boards have not approved, forward.

Thank you for the opportunity to testify before you today. I'm happy to answer any questions you may have.