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Congress of the United States
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COMMITTEE ON ARMED SERVICES

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TARP, FINANCIAL SERVICES AND
BAILOUTS OF PUBLIC AND PRIVATE PROGRAMS
TECHNOLOGY, INFORMATION POLICY, AND
PROCUREMENT REFORM

November 28, 2012

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, D.C. 20201

Marilyn Tavenner
Acting Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
Room 445-G, Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Sebelius:

I am writing to request that the Center for Medicare and Medicaid Services (CMS) determine whether it has ever provided reimbursement for so-called “gay conversion therapy,” or any similar efforts on the part of health practitioners to “change” a patient’s sexual orientation.

The major accredited professional associations of mental health practitioners and researchers in the United States have recognized for nearly 40 years that being gay, lesbian, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming. Despite this professional consensus, multiple news reports that individuals claiming to be mental health professionals are engaging in harmful tactics to try to “convert” or “cure” gay, lesbian, transgender, and bisexual minors. Unfortunately, I have reason to believe that the federal government may in fact be providing reimbursement for these abusive efforts. My cursory investigation found one practitioner, named Jonathan Karber, with Medicaid eligibility in Texas.

Efforts by these mental health practitioners to change the sexual orientation of lesbian, gay, and bisexual minors are an abuse of their authority. These treatments can include unwanted sexual play, talk “therapy” designed to alienate minors from their parents, and behavioral therapy

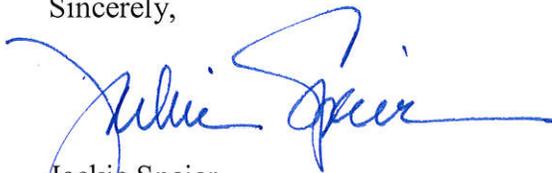
techniques many victims have likened to psychological torture.¹ Due to the opaque coding of psychological treatment and privacy concerns involved, further investigation by your office is necessary to determine if taxpayer funds are being used for these efforts.

Given these concerns, please respond in writing to the following questions:

1. What federal regulations exist regarding the use of sexual orientation change efforts on minors?
2. Are these “services” financed or reimbursed by CMS or any other federal health care coverage programs?
3. Is CMS aware of any instances of health providers seeking reimbursement for sexual orientation change efforts or similar services? If so, how many instances, and for how much money? If reimbursement was denied, are those providers still receiving or eligible for CMS reimbursement?
4. What mechanisms are available to patients to report fraud or harmful provider practices related to and including sexual orientation change efforts?
5. Does CMS have sufficient authority to ensure it is not reimbursing health care providers for these or similar efforts? If so, please explain why. If not, please explain why not.

The significant budget constraints on our public healthcare system necessitate careful oversight to ensure no taxpayer dollars go toward services that are not scientifically sound or medically necessary. Thank you for your attention to this matter and I look forward to working with you to promote the health and welfare of American children.

Sincerely,



Jackie Speier
Member of Congress

¹ Paul Bentley, “Tiny needles were stuck into my fingers and I was electrocuted’: Victim of Baptist gay conversion therapy describes how he was tortured at 12.” *Daily Mail*, November 16, 2012, <http://www.dailymail.co.uk/news/article-2046324/Victim-gay-conversion-therapy-describes-tortured-aged-12.html>