

## **An Act Prohibiting the Participation of Health Care Professionals in the Torture and Abuse of Prisoners**

S.1011/H.2017

Sponsored by Senator James Eldridge and Representative Jason Lewis

Health care professionals are expected to “do no harm,” yet medical and mental health professionals helped to develop the “enhanced interrogation” techniques used at Guantanamo, Abu Ghraib and elsewhere; they supervised interrogations and “waterboarding;” and they helped cover up abuse and, in at least one case, a resulting death. As a center for medical education and training, Massachusetts has a critical opportunity to provide leadership to the national health care community in passing legislation that **protects health care professionals by helping to ensure they do not engage in torture, abusive treatment or direct interrogation of prisoners.**

### **The Health Care Professionals Anti-Torture bill will:**

- Sanction any MA-licensed health care professional who participates in the torture, abusive treatment, or direct interrogation of prisoners or detainees;
- Require MA-licensed health care professionals to report torture and abusive treatment of prisoners or detainees to appropriate authorities;
- Provide MA-licensed health care professionals employed by custodial authorities with clear grounds for resisting orders that could result in torture or abusive treatment;
- Protect MA-licensed health care professionals who refuse to engage in abusive treatment, who report alleged torture or abusive treatment; and/or who participate in investigations of alleged torture or abusive treatment.

*Health care professionals should be dedicated to providing the highest standard of health care, with compassion and respect for human dignity and rights.*

*Torture and other abusive treatment of prisoners are illegal, unethical, and inconsistent with the practice of health care professions.*

*The reported roles of health care professionals in the abusive interrogations of detainees held at Guantanamo and other sites reveal the need to strengthen the principle that health care professionals should be dedicated to “do no harm.”*

*Strengthening and clarifying licensing and oversight helps to maintain the public trust in the health profession.*

### **What the Health Care Professionals Anti-Torture bill will not do:**

- It will not criminalize the act of engaging in torture or abusive treatment of prisoners or detainees; rather, it utilizes civil sanctions to provide professional and ethical oversight.
- It will not restrict academic and scientific research.
- It will not punish any health care professional for any prior action or inaction as this is a prospective law created to prevent future harm to prisoners and detainees.