

Trans Recognition Maryland

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February 26, 2020

The Honorable Delores G. Kelley
Senate Finance Committee
Miller Senate Office Building, 3 East
Annapolis, Maryland 21401

SB 738: Health Care Providers and Health Benefit Plans - Discrimination in Provision of Services

SUPPORT

To the Chair, Vice Chair, and esteemed members of the Senate Finance Committee:

On behalf of Trans Recognition Maryland, a network of nonbinary and transgender individuals and allies across Maryland, I strongly support SB 738: Health Care Providers and Health Benefit Plans - Discrimination in Provision of Services. This bill will reinforce Affordable Care Act protections and fill in gaps in existing protections by fully prohibiting discrimination on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, and disability in all medical and healthcare settings, including all hospitals, and by all healthcare providers and insurers.

Discrimination against transgender patients remains a serious problem. According to the most recent comprehensive survey of Maryland transgender residents¹, “25% of respondents

¹ 2015 U.S. Transgender Survey – Maryland State Report
<https://transequality.org/sites/default/files/USTS%20MD%20State%20Report.pdf>

experienced a problem in the past year with their insurance related to being transgender, such as being denied coverage for care related to gender transition or being denied coverage for routine care because they were transgender.” Furthermore, “29% of those who saw a health care provider in the past year reported having at least one negative experience related to being transgender. This included being refused treatment, verbally harassed, or physically or sexually assaulted, or having to teach the provider about transgender people in order to get appropriate care.” And finally, “23% of respondents did not see a doctor when they needed to because of fear of being mistreated as a transgender person.”

Below are a couple of recent examples of healthcare discrimination encountered by members of our community:

A Montgomery County trans man, who has asked to be called J. in this testimony, has found himself in an expensive and contradictory medical limbo because of barriers within his insurance plan. J’s insurance covers an annual (ironically-named and tone-deaf) "Well Woman" exam. However, J. is often denied basic uterine follow-up medical care. For example, after his most recent Pap tests were submitted to Labcorp, they were returned with the diagnostic code “INVALID GENDER”. Even after his doctor interceded to explain he was transgender, it was only possible to have the Pap tests processed after they changed the ‘M’ to ‘F’ in the paperwork. Furthermore, when the Pap tests results indicated abnormalities and his doctor prescribed a colposcopy to further treat his cervix, **his insurance denied coverage because his gender was recorded as male**. These are examples of the barriers to medical care routinely encountered by J. and many other transgender male Maryland residents.

A nonbinary resident of Montgomery County encountered the following barriers to getting hormones for gender affirming healthcare. Their doctor prescribed delestrogen (estradiol valerate), and their insurance covers this hormone. But because their insurance only covers this benefit as a medical and not pharmacy benefit, they would be required to regularly take 3 hours out of their day for the combined tasks of traveling to their doctor's office, sitting in the waiting room for someone to get their prescription, moving them to an exam room, injecting the hormones, and waiting under observation until they are allowed to leave. If they had access to this hormone as a pharmacy

benefit, they could get the prescribed hormones and inject themselves at home, which is a routine medical training they are willing to do.

However, even after overcoming these barriers to accessing affirming healthcare and finding a semi-workable solution, the prescription company (CVS Caremark) has now **denied that they could receive the doctor-prescribed hormone because they were assigned male at birth.** Their primary health insurance company (Carefirst Blue Cross) is now in dispute with their prescription company, claiming that the prescription company does not have the authority to deny the coverage. Meanwhile, **this Montgomery County resident continues to have to endure this delay in accessing healthcare that should be available to them.**

Because these are not isolated incidents, but rather just two examples of the kind of challenges the transgender community faces regularly when accessing care, I respectfully urge this committee to issue a **favorable report for Senate Bill 738.**

Thank you for your consideration.

Cass Caveney and Marie Mapes
Trans Recognition Maryland