

# SENATE BILL 682

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CF HB 746

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By: **Senators Washington, Waldstreicher, Smith, Hettleman, Pinsky, Augustine, Kramer, Lee, King, Lam, Elfreth, ~~and Hayes~~ Hayes, and Kelley**

Introduced and read first time: February 4, 2022

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Gender–Affirming Treatment**  
3 **(Trans Health Equity Act of 2022)**

4 FOR the purpose of requiring, beginning on a certain date, the Maryland Medical  
5 Assistance Program to provide medically necessary gender–affirming treatment in a  
6 nondiscriminatory manner; requiring that the gender–affirming treatment be  
7 assessed according to nondiscriminatory criteria that are consistent with current  
8 clinical standards; prohibiting the Program from issuing an adverse benefit  
9 determination related to gender–affirming treatment unless a health care provider  
10 with experience prescribing or delivering gender–affirming treatment has reviewed  
11 and confirmed the appropriateness of the determination; and generally relating to  
12 gender–affirming treatment and the Maryland Medical Assistance Program.

13 BY repealing and reenacting, without amendments,  
14 Article – Health – General  
15 Section 15–103(a)(1)  
16 Annotated Code of Maryland  
17 (2019 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Health – General  
20 Section 15–103(a)(2)(xvi) and (xvii)  
21 Annotated Code of Maryland  
22 (2019 Replacement Volume and 2021 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
2 Article – Health – General  
3 Section 15–103(a)(2)(xviii) and 15–150  
4 Annotated Code of Maryland  
5 (2019 Replacement Volume and 2021 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
7 That the Laws of Maryland read as follows:

8 **Article – Health – General**

9 15–103.

10 (a) (1) The Secretary shall administer the Maryland Medical Assistance  
11 Program.

12 (2) The Program:

13 (xvi) Beginning on January 1, 2021, shall provide, subject to the  
14 limitations of the State budget and § 15–855(b)(2) of the Insurance Article, and as permitted  
15 by federal law, services for pediatric autoimmune neuropsychiatric disorders associated  
16 with streptococcal infections and pediatric acute onset neuropsychiatric syndrome,  
17 including the use of intravenous immunoglobulin therapy, for eligible Program recipients,  
18 if pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections  
19 and pediatric acute onset neuropsychiatric syndrome are coded for billing and diagnosis  
20 purposes in accordance with § 15–855(d) of the Insurance Article; [and]

21 (xvii) Beginning on January 1, 2022, may not include, subject to federal  
22 approval and limitations of the State budget, a frequency limitation on covered dental  
23 prophylaxis care or oral health exams that requires the dental prophylaxis care or oral  
24 health exams to be provided at an interval greater than 120 days within a plan year; AND

25 **(XVIII) BEGINNING ON JANUARY 1, 2023, SHALL PROVIDE**  
26 **GENDER–AFFIRMING TREATMENT IN ACCORDANCE WITH § 15–150 OF THIS**  
27 **SUBTITLE.**

28 **15–150.**

29 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
30 **INDICATED.**

31 **(2) (I) “GENDER–AFFIRMING TREATMENT” MEANS ANY**  
32 **MEDICALLY NECESSARY TREATMENT CONSISTENT WITH CURRENT CLINICAL**  
33 **STANDARDS OF CARE PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER FOR**

1 THE TREATMENT OF A CONDITION RELATED TO THE INDIVIDUAL'S GENDER  
2 IDENTITY.

3 (II) "GENDER-AFFIRMING TREATMENT" INCLUDES:

4 1. HORMONE THERAPY, HORMONE BLOCKERS, AND  
5 PUBERTY BLOCKERS;

6 2. HAIR ALTERATION FOR THE PURPOSES OF ALTERING  
7 SECONDARY SEX CHARACTERISTICS AND SURGICAL SITE PREPARATION, INCLUDING  
8 ELECTROLYSIS, LASER HAIR REMOVAL, HAIRPLASTY, HAIR TRANSPLANTATION, AND  
9 MEDICAL TATTOOING FOR HAIR RECONSTRUCTION AND APPEARANCE OF SCAR;

10 3. LARYNGOPLASTY, VOICE MODIFICATION SURGERY,  
11 VOICE THERAPY, AND VOICE LESSONS;

12 4. ALTERATIONS TO ABDOMEN, CHEST, TRUNK, AND  
13 BUTTOCKS, INCLUDING ABDOMINOPLASTY, MASTECTOMY, BREAST REDUCTION AND  
14 AUGMENTATION PROCEDURES, MASTOPEXY, NIPPLE AND AREOLA  
15 RECONSTRUCTION, LIPOSUCTION, EXCISION OF EXCESSIVE SKIN AND  
16 SUBCUTANEOUS TISSUE, PANNICULECTOMY, AUTOLOGOUS FAT GRAFTING,  
17 PHOSPHATIDYLCHOLINE AND DEOXYCHOLATE LIPOLYTIC INTERVENTIONS,  
18 PLACEMENT OF HIP AND OTHER IMPLANTS, AND MEDICAL TATTOOING FOR NIPPLE  
19 RECONSTRUCTION AND APPEARANCE OF SCAR;

20 5. ~~SURGERY~~ ALTERATIONS TO THE FACE AND NECK,  
21 INCLUDING FACIAL BONE RECONSTRUCTION, FACIAL BONE REMODELING,  
22 GENIOPLASTY, MANDIBULAR ANGLE AUGMENTATION/CREATION/REDUCTION,  
23 ORBITAL RECONTOURING, LATERAL CANTHOPEXY, LYSIS INTRANASAL SYNECHIA,  
24 SEPTOPLASTY, ORTHOGNATHIC SURGERY, TRANSORAL MANDIBULAR  
25 OSTEOPLASTY, PLACEMENT OF IMPLANTS TO THE CHEEK, FOREHEAD, CHIN, NOSE,  
26 JAW, AND LARYNGEAL PROMINENCE, BLEPHAROPLASTY, BROW LIFT, COLLAGEN  
27 INJECTIONS, INJECTION OF HYALURONIC ACID BASED SEMIPERMANENT  
28 MATERIALS, AUTOLOGOUS FAT GRAFTING, PHOSPHATIDYLCHOLINE AND  
29 DEOXYCHOLATE LIPOLYTIC INTERVENTIONS, FACE AND FOREHEAD LIFTS,  
30 RHYTIDECTOMY, NECK TIGHTENING, LIP REDUCTION AND ENHANCEMENT, THYROID  
31 CHONDROPLASTY, TRACHEAL SHAVE, REMOVAL OF REDUNDANT SKIN,  
32 RHINOPLASTY, AND MEDICAL TATTOOING FOR LIP RECONSTRUCTION AND  
33 APPEARANCE OF SCAR;

34 6. ~~SURGERY~~ ALTERATIONS TO THE GENITALS AND  
35 GONADS, INCLUDING CLITOROPLASTY, COLOVAGINOPLASTY, GLANSPLASTY,  
36 HYSTERECTOMY, LABIAPLASTY, AUTOLOGOUS FAT GRAFTING,  
37 PHOSPHATIDYLCHOLINE AND DEOXYCHOLATE LIPOLYTIC INTERVENTIONS;

1 ~~MEDICAL TATTOOING FOR GLANS RECONSTRUCTION AND APPEARANCE OF SCAR,~~  
 2 ~~METOIDIOPLASTY, OOPHORECTOMY, ORCHIECTOMY, OVARIECTOMY, PENECTOMY,~~  
 3 ~~PHALLOPLASTY, PLACEMENT OF A TESTICULAR PROSTHESIS AND PENILE~~  
 4 ~~PROSTHESIS SALPINGECTOMY, SALPINGO OOPHORECTOMY, SCROTECTOMY,~~  
 5 ~~SCROTOPLASTY, URETHROPLASTY, VAGINECTOMY, VAGINOPLASTY, VULVECTOMY,~~  
 6 ~~AND VULVOPLASTY;~~

7                   7. LASER TREATMENT FOR SCARS FROM  
 8 GENDER-AFFIRMING TREATMENT;

9                   8. STANDARD FERTILITY PRESERVATION PROCEDURES,  
 10 AS SET FORTH IN § 15-810.1 OF THE INSURANCE ARTICLE;

11                   9. REVISIONS TO PREVIOUS TREATMENTS AND  
 12 REVERSAL OF TREATMENTS;

13                   10. COMBINATIONS OF GENDER-AFFIRMING  
 14 PROCEDURES; AND

15                   11. OTHER TREATMENTS AS PRESCRIBED TO SUPPRESS  
 16 THE DEVELOPMENT OF ENDOGENOUS SECONDARY SEX CHARACTERISTICS, ALIGN  
 17 THE INDIVIDUAL'S APPEARANCE OR PHYSICAL BODY WITH GENDER IDENTITY, AND  
 18 ALLEVIATE SYMPTOMS OF CLINICALLY SIGNIFICANT DISTRESS RESULTING FROM  
 19 GENDER DYSPHORIA.

20                   (III) "GENDER-AFFIRMING TREATMENT" MAY:

21                   ~~1. INCLUDE~~ INCLUDE TREATMENT DESCRIBED IN THE  
 22 CURRENT CLINICAL STANDARDS OF CARE FOR GENDER-AFFIRMING TREATMENT  
 23 PUBLISHED BY THE WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER  
 24 HEALTH; ~~AND~~

25                   ~~2. BE PRESCRIBED TO TRANSGENDER, NONBINARY,~~  
 26 ~~INTERSEX, TWO SPIRIT, AND OTHER GENDER DIVERSE INDIVIDUALS.~~

27                   (3) "GENDER IDENTITY" HAS THE MEANING STATED IN § 20-101 OF  
 28 THE STATE GOVERNMENT ARTICLE.

29                   (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROGRAM  
 30 PROVIDE GENDER-AFFIRMING TREATMENT TO ALL PROGRAM RECIPIENTS FOR  
 31 WHOM GENDER-AFFIRMING TREATMENT IS MEDICALLY NECESSARY, INCLUDING  
 32 TRANSGENDER, NONBINARY, INTERSEX, TWO SPIRIT, AND OTHER GENDER DIVERSE  
 33 INDIVIDUALS.

1        ~~(B)~~ (C)        (1) THE PROGRAM SHALL PROVIDE COVERAGE FOR  
2 MEDICALLY NECESSARY GENDER-AFFIRMING TREATMENT IN A  
3 NONDISCRIMINATORY MANNER.

4                (2) THE GENDER-AFFIRMING TREATMENT SHALL BE ASSESSED  
5 ACCORDING TO NONDISCRIMINATORY CRITERIA THAT ARE CONSISTENT WITH  
6 CURRENT CLINICAL STANDARDS OF CARE.

7                (3) THE PROGRAM MAY NOT DENY OR LIMIT COVERAGE FOR  
8 GENDER-AFFIRMING TREATMENT WHEN THAT TREATMENT IS:

9                        (I) PRESCRIBED TO A PROGRAM RECIPIENT BECAUSE OF,  
10 RELATED TO, OR CONSISTENT WITH THE RECIPIENT'S GENDER IDENTITY;

11                        (II) MEDICALLY NECESSARY; AND

12                        (III) PRESCRIBED IN ACCORDANCE WITH CURRENT CLINICAL  
13 STANDARDS OF CARE.

14                (4) THE PROGRAM MAY NOT DENY OR LIMIT COVERAGE FOR  
15 GENDER-AFFIRMING TREATMENT BASED ON THE PROGRAM RECIPIENT'S GENDER  
16 IDENTITY.

17        ~~(4)~~ (5)        THE PROGRAM MAY NOT EXCLUDE GENDER-AFFIRMING  
18 TREATMENT, INCLUDING REVISIONS TO PRIOR GENDER-AFFIRMING TREATMENT,  
19 ON THE BASIS THAT THE TREATMENT IS A COSMETIC SERVICE.

20                (6) THE PROGRAM MAY NOT ESTABLISH A CATEGORICAL EXCLUSION  
21 FOR A PARTICULAR GENDER-AFFIRMING TREATMENT.

22        ~~(5)~~ (7)        THE PROGRAM MAY NOT ISSUE AN ADVERSE BENEFIT  
23 DETERMINATION DENYING OR LIMITING ACCESS TO GENDER-AFFIRMING  
24 TREATMENT UNLESS A HEALTH CARE PROVIDER WITH EXPERIENCE PRESCRIBING  
25 OR DELIVERING GENDER-AFFIRMING TREATMENT HAS REVIEWED AND CONFIRMED  
26 THE APPROPRIATENESS OF THE ADVERSE BENEFIT DETERMINATION.

27        ~~(C)~~ (D)        (1) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN  
28 2023, EACH MANAGED CARE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT A  
29 REPORT THAT INCLUDES:

30                        (I) THE NAME AND LOCATION OF EACH HEALTH CARE  
31 PROVIDER OFFERING GENDER-AFFIRMING TREATMENT WITH WHICH THE MANAGED  
32 CARE ORGANIZATION HAS AN ACTIVE CONTRACT; AND

1 (II) THE TYPES OF GENDER-AFFIRMING TREATMENT PROVIDED  
2 BY EACH HEALTH CARE PROVIDER.

3 (2) (I) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN  
4 2024, THE DEPARTMENT SHALL COMPILE AN ANNUAL REPORT ON GEOGRAPHIC  
5 ACCESS TO GENDER-AFFIRMING TREATMENT ACROSS THE STATE.

6 (II) THE REPORT SHALL INCLUDE:

7 1. THE NAME AND LOCATION OF EACH HEALTH CARE  
8 PROVIDER OFFERING GENDER-AFFIRMING TREATMENT TO PROGRAM RECIPIENTS;

9 2. THE MANAGED CARE ORGANIZATIONS THAT HAVE  
10 ACTIVE CONTRACTS WITH EACH HEALTH CARE PROVIDER; AND

11 3. THE TYPES OF GENDER-AFFIRMING TREATMENT  
12 PROVIDED BY EACH HEALTH CARE PROVIDER.

13 (III) THE DEPARTMENT SHALL PUBLISH THE REPORT IN A  
14 CONSPICUOUS MANNER ON THE DEPARTMENT’S WEBSITE.

15 (3) THE DEPARTMENT AND EACH MANAGED CARE ORGANIZATION  
16 SHALL INCLUDE THE NAME, LOCATION, AND TYPES OF SERVICES FOR EACH  
17 PROVIDER OFFERING GENDER-AFFIRMING TREATMENT IN THEIR PROVIDER  
18 DIRECTORIES.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.