

SENATE BILL 682

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CF HB 746

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

Introduced and read first time: February 4, 2022

Assigned to: Finance

A BILL ENTITLED

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 gender–affirming treatment; prohibiting the Program
6 from issuing an adverse benefit determination related to gender–affirming
7 treatment unless a health care provider with experience prescribing or delivering
8 gender–affirming treatment has reviewed and confirmed the appropriateness of the
9 determination; and generally relating to gender–affirming treatment and the
10 Maryland Medical Assistance Program.

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

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

21 BY adding to
22 Article – Health – General
23 Section 15–103(a)(2)(xviii) and 15–150
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health – General**

4 15–103.

5 (a) (1) The Secretary shall administer the Maryland Medical Assistance
6 Program.

7 (2) The Program:

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

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

20 (XVIII) BEGINNING ON JANUARY 1, 2023, SHALL PROVIDE
21 GENDER–AFFIRMING TREATMENT IN ACCORDANCE WITH § 15–150 OF THIS
22 SUBTITLE.

23 15–150.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) (I) “GENDER–AFFIRMING TREATMENT” MEANS ANY
27 MEDICALLY NECESSARY TREATMENT CONSISTENT WITH CURRENT CLINICAL
28 STANDARDS OF CARE PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER FOR
29 THE TREATMENT OF A CONDITION RELATED TO THE INDIVIDUAL’S GENDER
30 IDENTITY.

31 (II) “GENDER–AFFIRMING TREATMENT” INCLUDES:

32 1. HORMONE THERAPY, HORMONE BLOCKERS, AND
33 PUBERTY BLOCKERS;

1 **2. HAIR ALTERATION FOR THE PURPOSES OF ALTERING**
2 **SECONDARY SEX CHARACTERISTICS AND SURGICAL SITE PREPARATION, INCLUDING**
3 **ELECTROLYSIS, LASER HAIR REMOVAL, HAIRPLASTY, HAIR TRANSPLANTATION, AND**
4 **MEDICAL TATTOOING FOR HAIR RECONSTRUCTION AND APPEARANCE OF SCAR;**

5 **3. LARYNGOPLASTY, VOICE MODIFICATION SURGERY,**
6 **VOICE THERAPY, AND VOICE LESSONS;**

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

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

29 **6. SURGERY TO THE GENITALS AND GONADS,**
30 **INCLUDING CLITOROPLASTY, COLOVAGINOPLASTY, GLANSPLASTY,**
31 **HYSTERECTOMY, LABIAPLASTY, AUTOLOGOUS FAT GRAFTING,**
32 **PHOSPHATIDYLCHOLINE AND DEOXYCHOLATE LIPOLYTIC INTERVENTIONS,**
33 **MEDICAL TATTOOING FOR GLANS RECONSTRUCTION AND APPEARANCE OF SCAR,**
34 **METOIDIOPLASTY, OOPHORECTOMY, ORCHIECTOMY, OVARIECTOMY, PENECTOMY,**
35 **PHALLOPLASTY, PLACEMENT OF A TESTICULAR PROSTHESIS AND PENILE**
36 **PROSTHESIS SALPINGECTOMY, SALPINGO-OOPHORECTOMY, SCROTECTOMY,**
37 **SCROTOPLASTY, URETHROPLASTY, VAGINECTOMY, VAGINOPLASTY, VULVECTOMY,**
38 **AND VULVOPLASTY;**

1 7. LASER TREATMENT FOR SCARS FROM
2 GENDER-AFFIRMING TREATMENT;

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

5 9. REVISIONS TO PREVIOUS TREATMENTS AND
6 REVERSAL OF TREATMENTS;

7 10. COMBINATIONS OF GENDER-AFFIRMING
8 PROCEDURES; AND

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

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

15 1. INCLUDE TREATMENT DESCRIBED IN THE CURRENT
16 CLINICAL STANDARDS OF CARE FOR GENDER-AFFIRMING TREATMENT PUBLISHED
17 BY THE WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH; AND

18 2. BE PRESCRIBED TO TRANSGENDER, NONBINARY,
19 INTERSEX, TWO SPIRIT, AND OTHER GENDER DIVERSE INDIVIDUALS.

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

22 (B) (1) THE PROGRAM SHALL PROVIDE COVERAGE FOR
23 MEDICALLY NECESSARY GENDER-AFFIRMING TREATMENT IN A
24 NONDISCRIMINATORY MANNER.

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

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

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

3 **(II) MEDICALLY NECESSARY; AND**

4 **(III) PRESCRIBED IN ACCORDANCE WITH CURRENT CLINICAL**
5 **STANDARDS OF CARE.**

6 **(4) THE PROGRAM MAY NOT EXCLUDE GENDER-AFFIRMING**
7 **TREATMENT, INCLUDING REVISIONS TO PRIOR GENDER-AFFIRMING TREATMENT,**
8 **ON THE BASIS THAT THE TREATMENT IS A COSMETIC SERVICE.**

9 **(5) THE PROGRAM MAY NOT ISSUE AN ADVERSE BENEFIT**
10 **DETERMINATION DENYING OR LIMITING ACCESS TO GENDER-AFFIRMING**
11 **TREATMENT UNLESS A HEALTH CARE PROVIDER WITH EXPERIENCE PRESCRIBING**
12 **OR DELIVERING GENDER-AFFIRMING TREATMENT HAS REVIEWED AND CONFIRMED**
13 **THE APPROPRIATENESS OF THE ADVERSE BENEFIT DETERMINATION.**

14 **(C) (1) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2023,**
15 **EACH MANAGED CARE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT A**
16 **REPORT THAT INCLUDES:**

17 **(I) THE NAME AND LOCATION OF EACH HEALTH CARE**
18 **PROVIDER OFFERING GENDER-AFFIRMING TREATMENT WITH WHICH THE MANAGED**
19 **CARE ORGANIZATION HAS AN ACTIVE CONTRACT; AND**

20 **(II) THE TYPES OF GENDER-AFFIRMING TREATMENT PROVIDED**
21 **BY EACH HEALTH CARE PROVIDER.**

22 **(2) (I) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN**
23 **2024, THE DEPARTMENT SHALL COMPILE AN ANNUAL REPORT ON GEOGRAPHIC**
24 **ACCESS TO GENDER-AFFIRMING TREATMENT ACROSS THE STATE.**

25 **(II) THE REPORT SHALL INCLUDE:**

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

28 **2. THE MANAGED CARE ORGANIZATIONS THAT HAVE**
29 **ACTIVE CONTRACTS WITH EACH HEALTH CARE PROVIDER; AND**

30 **3. THE TYPES OF GENDER-AFFIRMING TREATMENT**
31 **PROVIDED BY EACH HEALTH CARE PROVIDER.**

1 **(III) THE DEPARTMENT SHALL PUBLISH THE REPORT IN A**
2 **CONSPICUOUS MANNER ON THE DEPARTMENT’S WEBSITE.**

3 **(3) THE DEPARTMENT AND EACH MANAGED CARE ORGANIZATION**
4 **SHALL INCLUDE THE NAME, LOCATION, AND TYPES OF SERVICES FOR EACH**
5 **PROVIDER OFFERING GENDER-AFFIRMING TREATMENT IN THEIR PROVIDER**
6 **DIRECTORIES.**

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