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
Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 7, 2022

CHAPTER _____

1  AN ACT concerning

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

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

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

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

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.
BY adding to

Article – Health – General

Section 15–103(a)(2)(xviii) and 15–150

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Health – General

15–103.

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

(2) The Program:

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

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

(xviii) Beginning on January 1, 2023, shall provide gender–affirming treatment in accordance with § 15–150 of this subtitle.

15–150.

(A)  (1) In this section the following words have the meanings indicated.

(2) (1) “Gender–affirming treatment” means any medically necessary treatment consistent with current clinical standards of care prescribed by a licensed health care provider for
THE TREATMENT OF A CONDITION RELATED TO THE INDIVIDUAL’S GENDER
IDENTITY.

(II) “GENDER–AFFIRMING TREATMENT” INCLUDES:

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

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

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

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

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

6. SURGERY ALTERATIONS TO THE GENITALS AND GONADS, INCLUDING CLITOROPLASTY, COLOVAGINOPLASTY, GLANSPLASTY, HYSTERECTOMY, LABIAPLASTY, AUTOLOGOUS FAT GRAFTING, PHOSPHATIDYLCHOLINE AND DEOXYCHOLATE LIPOLYTIC INTERVENTIONS,
medical tattooing for glans reconstruction and appearance of scar, metoidioplasty, oophorectomy, orchectomy, ovariecction, penectomy, phalloplasty, placement of a testicular prosthesis and penile prosthesis, salpingectomy, salpingo-oophorectomy, scrotectomy, scrotoplasty, urethroplasty, vaginectomy, vaginoplasty, vulvectomy, and vulvoplasty;

7. Laser treatment for scars from gender-affirming treatment;

8. Standard fertility preservation procedures, as set forth in § 15–810.1 of the Insurance Article;

9. Revisions to previous treatments and reversal of treatments;

10. Combinations of gender-affirming procedures; and

11. Other treatments as prescribed to suppress the development of endogenous secondary sex characteristics, align the individual’s appearance or physical body with gender identity, and alleviate symptoms of clinically significant distress resulting from gender dysphoria.

(iii) “Gender-affirming treatment” may:

1. Include treatment described in the current clinical standards of care for gender-affirming treatment published by the World Professional Association for Transgender Health; and

2. Be prescribed to transgender, nonbinary, intersex, two spirit, and other gender diverse individuals.

(3) “Gender identity” has the meaning stated in § 20–101 of the State Government article.

(B) It is the intent of the General Assembly that the Program provide gender-affirming treatment to all Program recipients for whom gender-affirming treatment is medically necessary, including transgender, nonbinary, intersex, two spirit, and other gender diverse individuals.
(B) (C) (1) The Program shall provide coverage for medically necessary gender–affirming treatment in a nondiscriminatory manner.

(2) The gender–affirming treatment shall be assessed according to nondiscriminatory criteria that are consistent with current clinical standards of care.

(3) The Program may not deny or limit coverage for gender–affirming treatment when that treatment is:

   (I) prescribed to a Program recipient because of, related to, or consistent with the recipient’s gender identity;

   (II) medically necessary; and

   (III) prescribed in accordance with current clinical standards of care.

(4) The Program may not deny or limit coverage for gender–affirming treatment based on the Program recipient’s gender identity.

(5) The Program may not exclude gender–affirming treatment, including revisions to prior gender–affirming treatment, on the basis that the treatment is a cosmetic service.

(6) The Program may not establish a categorical exclusion for a particular gender–affirming treatment.

(5) (7) The Program may not issue an adverse benefit determination denying or limiting access to gender–affirming treatment unless a health care provider with experience prescribing or delivering gender–affirming treatment has reviewed and confirmed the appropriateness of the adverse benefit determination.

(C) (D) (1) On or before December 1 each year, beginning in 2023, each managed care organization shall submit to the Department a report that includes:

   (I) the name and location of each health care provider offering gender–affirming treatment with which the managed care organization has an active contract; and
(II) The types of gender-affirming treatment provided by each health care provider.

(2) (I) On or before January 1 each year, beginning in 2024, the Department shall compile an annual report on geographic access to gender-affirming treatment across the state.

(II) The report shall include:

1. The name and location of each health care provider offering gender-affirming treatment to program recipients;

2. The managed care organizations that have active contracts with each health care provider; and

3. The types of gender-affirming treatment provided by each health care provider.

(III) The Department shall publish the report in a conspicuous manner on the Department’s website.

(3) The Department and each managed care organization shall include the name, location, and types of services for each provider offering gender-affirming treatment in their provider directories.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 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.