

HOUSE BILL 283

J1

(3lr1095)

ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by **Delegates Kaiser, Cullison, Acevero, Allen, Amprey, Atterbeary, Bagnall, B. Barnes, Barve, Boyce, Cardin, Charkoudian, Clippinger, Ebersole, Edelson, Embry, Fair, Feldmark, Fennell, Foley, Forbes, Fraser-Hidalgo, Grossman, Guzzone, Hill, D. Jones, Kaufman, Kelly, Kerr, Lehman, R. Lewis, Lopez, Love, McCaskill, Mireku-North, Moon, Palakovich Carr, Pasteur, Qi, Queen, Reznik, Rosenberg, Ruth, Shetty, Simpson, Smith, Solomon, Stein, Stewart, Taveras, Terrasa, Valderrama, Vogel, Watson, Wells, Wilkins, ~~and Ziegler~~ Ziegler, Pena-Melnyk, White, and Martinez**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

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

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.

Italics indicate opposite chamber/conference committee amendments.



1 clinical standards; prohibiting the Program from issuing an adverse benefit
 2 determination related to gender-affirming treatment unless a health care provider
 3 with experience prescribing or delivering gender-affirming treatment has reviewed
 4 and confirmed the appropriateness of the determination; and generally relating to
 5 gender-affirming treatment and the Maryland Medical Assistance Program.

6 BY repealing and reenacting, without amendments,

7 Article – Health – General

8 Section 15–103(a)(1)

9 Annotated Code of Maryland

10 (2019 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Health – General

13 Section 15–103(a)(2)(xx) and (xxi)

14 Annotated Code of Maryland

15 (2019 Replacement Volume and 2022 Supplement)

16 BY adding to

17 Article – Health – General

18 Section 15–103(a)(2)(xxii) and 15–151

19 Annotated Code of Maryland

20 (2019 Replacement Volume and 2022 Supplement)

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

22 That the Laws of Maryland read as follows:

23 **Article – Health – General**

24 15–103.

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

27 (2) The Program:

28 (xx) Beginning on July 1, 2023, shall provide, subject to federal
 29 approval and limitations of the State budget, community violence prevention services in
 30 accordance with 15–141.3 of this subtitle; [and]

31 (xxi) Beginning on January 1, 2023, shall provide, subject to the
 32 limitations of the State budget, and as permitted by federal law, coverage for self-measured
 33 blood pressure monitoring for all Program recipients diagnosed with uncontrolled high
 34 blood pressure, including:

35 1. The provision of validated home blood pressure monitors;

36 and

1 2. Reimbursement of health care provider and other staff
2 time used for patient training, transmission of blood pressure data, interpretation of blood
3 pressure readings and reporting, and the delivery of co-interventions, including
4 educational materials or classes, behavioral change management, and medication
5 management; AND

6 **(XXII) BEGINNING ON JANUARY 1, 2024, SHALL PROVIDE**
7 **GENDER-AFFIRMING TREATMENT IN ACCORDANCE WITH § 15-151 OF THIS**
8 **SUBTITLE.**

9 **15-151.**

10 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
11 **INDICATED.**

12 **(2) (I) "GENDER-AFFIRMING TREATMENT" MEANS ANY**
13 **MEDICALLY NECESSARY TREATMENT CONSISTENT WITH CURRENT CLINICAL**
14 **STANDARDS OF CARE PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER FOR**
15 **THE TREATMENT OF A CONDITION RELATED TO THE INDIVIDUAL'S GENDER**
16 **IDENTITY.**

17 **(II) "GENDER-AFFIRMING TREATMENT" INCLUDES:**

18 1. **HORMONE THERAPY, HORMONE BLOCKERS, AND**
19 **PUBERTY BLOCKERS;**

20 2. **HAIR ALTERATION FOR THE PURPOSES OF ALTERING**
21 **SECONDARY SEX CHARACTERISTICS AND SURGICAL SITE PREPARATION;**

22 3. **ALTERATIONS TO VOICE, VOICE THERAPY, AND VOICE**
23 **LESSONS;**

24 4. **ALTERATIONS TO ABDOMEN, CHEST, TRUNK, AND**
25 **BUTTOCKS;**

26 5. **ALTERATIONS TO THE FACE AND NECK;**

27 6. **ALTERATIONS TO THE GENITALS AND GONADS;**

28 7. **LASER TREATMENT FOR SCARS FROM**
29 **GENDER-AFFIRMING TREATMENT;**

1 (III) PRESCRIBED IN ACCORDANCE WITH CURRENT CLINICAL
2 STANDARDS OF CARE.

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

6 (5) 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 (6) THE PROGRAM MAY NOT ESTABLISH A CATEGORICAL EXCLUSION
10 FOR A PARTICULAR GENDER-AFFIRMING TREATMENT.

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

16 (D) (1) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2024,
17 EACH MANAGED CARE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT A
18 REPORT THAT INCLUDES, FOR EACH HEALTH CARE PROVIDER OFFERING
19 GENDER-AFFIRMING TREATMENT WITH WHICH THE MANAGED CARE ORGANIZATION
20 HAS AN ACTIVE CONTRACT AND WHO THAT CONSENTS TO THE INCLUSION:

21 (I) THE NAME AND LOCATION OF ~~EACH~~ THE HEALTH CARE
22 PROVIDER OFFERING GENDER-AFFIRMING TREATMENT WITH WHICH THE MANAGED
23 CARE ORGANIZATION HAS AN ACTIVE CONTRACT; AND

24 (II) THE TYPES OF GENDER-AFFIRMING TREATMENT PROVIDED
25 BY ~~EACH~~ THE HEALTH CARE PROVIDER; AND

26 (III) WHETHER THE HEALTH CARE PROVIDER CONSENTS TO
27 BEING PUBLICLY LISTED AS PART OF THE DEPARTMENT'S ANNUAL REPORT
28 REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

29 (2) (I) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN
30 2025, THE DEPARTMENT SHALL COMPILE AN ANNUAL REPORT ON GEOGRAPHIC
31 ACCESS TO GENDER-AFFIRMING TREATMENT ACROSS THE STATE.

32 (II) THE REPORT SHALL INCLUDE, FOR EACH HEALTH CARE
33 PROVIDER OFFERING GENDER-AFFIRMING TREATMENT TO PROGRAM RECIPIENTS

1 AND WHOSE CONSENT TO THE INCLUSION IS INDICATED IN A REPORT SUBMITTED
2 UNDER PARAGRAPH (1) OF THIS SUBSECTION:

3 1. **THE NAME AND LOCATION OF ~~EACH~~ THE HEALTH**
4 **CARE PROVIDER ~~OFFERING GENDER-AFFIRMING TREATMENT TO PROGRAM~~**
5 **~~RECIPIENTS;~~**

6 2. **THE MANAGED CARE ORGANIZATIONS THAT HAVE**
7 **ACTIVE CONTRACTS WITH ~~EACH~~ THE HEALTH CARE PROVIDER; AND**

8 3. **THE TYPES OF GENDER-AFFIRMING TREATMENT**
9 **PROVIDED BY ~~EACH~~ THE HEALTH CARE PROVIDER.**

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.