

HOUSE BILL 283

J1
SB 682/22 – FIN

3lr1095
CF SB 460

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**

Introduced and read first time: January 25, 2023
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 9, 2023

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
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 2022 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.



1 BY repealing and reenacting, with amendments,
2 Article – Health – General
3 Section 15–103(a)(2)(xx) and (xxi)
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2022 Supplement)

6 BY adding to
7 Article – Health – General
8 Section 15–103(a)(2)(xxii) and 15–151
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2022 Supplement)

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

13 **Article – Health – General**

14 15–103.

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

17 (2) The Program:

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

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

25 1. The provision of validated home blood pressure monitors;
26 and

27 2. Reimbursement of health care provider and other staff
28 time used for patient training, transmission of blood pressure data, interpretation of blood
29 pressure readings and reporting, and the delivery of co–interventions, including
30 educational materials or classes, behavioral change management, and medication
31 management; **AND**

32 **(XXII) BEGINNING ON JANUARY 1, 2024, SHALL PROVIDE**
33 **GENDER–AFFIRMING TREATMENT IN ACCORDANCE WITH § 15–151 OF THIS**
34 **SUBTITLE.**

1 15-151.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) (I) "GENDER-AFFIRMING TREATMENT" MEANS ANY
5 MEDICALLY NECESSARY TREATMENT CONSISTENT WITH CURRENT CLINICAL
6 STANDARDS OF CARE PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER FOR
7 THE TREATMENT OF A CONDITION RELATED TO THE INDIVIDUAL'S GENDER
8 IDENTITY.

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

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

12 2. HAIR ALTERATION FOR THE PURPOSES OF ALTERING
13 SECONDARY SEX CHARACTERISTICS AND SURGICAL SITE PREPARATION;

14 3. ALTERATIONS TO VOICE, VOICE THERAPY, AND VOICE
15 LESSONS;

16 4. ALTERATIONS TO ABDOMEN, CHEST, TRUNK, AND
17 BUTTOCKS;

18 5. ALTERATIONS TO THE FACE AND NECK;

19 6. ALTERATIONS TO THE GENITALS AND GONADS;

20 7. LASER TREATMENT FOR SCARS FROM
21 GENDER-AFFIRMING TREATMENT;

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

24 9. REVISIONS TO PREVIOUS TREATMENTS AND
25 REVERSAL OF TREATMENTS;

26 10. COMBINATIONS OF GENDER-AFFIRMING
27 PROCEDURES; AND

28 11. OTHER TREATMENTS AS PRESCRIBED TO SUPPRESS
29 THE DEVELOPMENT OF ENDOGENOUS SECONDARY SEX CHARACTERISTICS, ALIGN
30 THE INDIVIDUAL'S APPEARANCE OR PHYSICAL BODY WITH GENDER IDENTITY, AND

1 ALLEVIATE SYMPTOMS OF CLINICALLY SIGNIFICANT DISTRESS RESULTING FROM
2 GENDER DYSPHORIA.

3 (III) "GENDER-AFFIRMING TREATMENT" MAY INCLUDE
4 TREATMENT DESCRIBED IN THE CURRENT CLINICAL STANDARDS OF CARE FOR
5 GENDER-AFFIRMING TREATMENT PUBLISHED BY THE WORLD PROFESSIONAL
6 ASSOCIATION FOR TRANSGENDER HEALTH.

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

9 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROGRAM
10 PROVIDE GENDER-AFFIRMING TREATMENT TO ALL PROGRAM RECIPIENTS FOR
11 WHOM GENDER-AFFIRMING TREATMENT IS MEDICALLY NECESSARY, INCLUDING
12 TRANSGENDER, NONBINARY, INTERSEX, TWO-SPIRIT, AND OTHER GENDER DIVERSE
13 INDIVIDUALS.

14 (C) (1) THE PROGRAM SHALL PROVIDE COVERAGE FOR MEDICALLY
15 NECESSARY GENDER-AFFIRMING TREATMENT IN A NONDISCRIMINATORY MANNER.

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

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

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

23 (II) MEDICALLY NECESSARY; AND

24 (III) PRESCRIBED IN ACCORDANCE WITH CURRENT CLINICAL
25 STANDARDS OF CARE.

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

29 (5) THE PROGRAM MAY NOT EXCLUDE GENDER-AFFIRMING
30 TREATMENT, INCLUDING REVISIONS TO PRIOR GENDER-AFFIRMING TREATMENT,
31 ON THE BASIS THAT THE TREATMENT IS A COSMETIC SERVICE.

1 **(6) THE PROGRAM MAY NOT ESTABLISH A CATEGORICAL EXCLUSION**
2 **FOR A PARTICULAR GENDER-AFFIRMING TREATMENT.**

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

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

13 **(I) THE NAME AND LOCATION OF ~~EACH THE~~ HEALTH CARE**
14 **PROVIDER OFFERING ~~GENDER-AFFIRMING TREATMENT WITH WHICH THE MANAGED~~**
15 **~~CARE ORGANIZATION HAS AN ACTIVE CONTRACT; AND~~**

16 **(II) THE TYPES OF GENDER-AFFIRMING TREATMENT PROVIDED**
17 **BY ~~EACH THE~~ HEALTH CARE PROVIDER; AND**

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

21 **(2) (I) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN**
22 **2025, THE DEPARTMENT SHALL COMPILE AN ANNUAL REPORT ON GEOGRAPHIC**
23 **ACCESS TO GENDER-AFFIRMING TREATMENT ACROSS THE STATE.**

24 **(II) THE REPORT SHALL INCLUDE, FOR EACH HEALTH CARE**
25 **PROVIDER OFFERING GENDER-AFFIRMING TREATMENT TO PROGRAM RECIPIENTS**
26 **AND WHOSE CONSENT TO THE INCLUSION IS INDICATED IN A REPORT SUBMITTED**
27 **UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

28 **1. THE NAME AND LOCATION OF ~~EACH THE~~ HEALTH**
29 **CARE PROVIDER OFFERING ~~GENDER-AFFIRMING TREATMENT TO PROGRAM~~**
30 **~~RECIPIENTS;~~**

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

33 **3. THE TYPES OF GENDER-AFFIRMING TREATMENT**
34 **PROVIDED BY ~~EACH THE~~ 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, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.