

SENATE BILL 460

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HB 746/22 – HGO

3lr1096
CF HB 283

By: **Senators M. Washington, Augustine, Elfreth, Feldman, Guzzone, Hettleman, King, Kramer, Lam, Smith, Waldstreicher, Zucker, ~~and Ellis~~ Ellis, and Hayes**

Introduced and read first time: February 3, 2023
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 11, 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)

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 15–103(a)(2)(xx) and (xxi)
21 Annotated Code of Maryland

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 (2019 Replacement Volume and 2022 Supplement)

2 BY adding to

3 Article – Health – General

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

5 Annotated Code of Maryland

6 (2019 Replacement Volume and 2022 Supplement)

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

8 That the Laws of Maryland read as follows:

9 **Article – Health – General**

10 15–103.

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

13 (2) The Program:

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

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

21 1. The provision of validated home blood pressure monitors;
22 and

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

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

31 **15–151.**

32 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
33 **INDICATED.**

1 **(2) (I) “GENDER–AFFIRMING TREATMENT” MEANS ANY**
2 **MEDICALLY NECESSARY TREATMENT CONSISTENT WITH CURRENT CLINICAL**
3 **STANDARDS OF CARE PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER FOR**
4 **THE TREATMENT OF A CONDITION RELATED TO THE INDIVIDUAL’S GENDER**
5 **IDENTITY.**

6 **(II) “GENDER–AFFIRMING TREATMENT” INCLUDES:**

7 **1. HORMONE THERAPY, HORMONE BLOCKERS, AND**
8 **PUBERTY BLOCKERS;**

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

11 **3. ALTERATIONS TO VOICE, VOICE THERAPY, AND VOICE**
12 **LESSONS;**

13 **4. ALTERATIONS TO ABDOMEN, CHEST, TRUNK, AND**
14 **BUTTOCKS;**

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

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

17 **7. LASER TREATMENT FOR SCARS FROM**
18 **GENDER–AFFIRMING TREATMENT;**

19 **8. STANDARD FERTILITY PRESERVATION PROCEDURES,**
20 **AS SET FORTH IN § 15–810.1 OF THE INSURANCE ARTICLE;**

21 **9. REVISIONS TO PREVIOUS TREATMENTS AND**
22 **REVERSAL OF TREATMENTS;**

23 **10. COMBINATIONS OF GENDER–AFFIRMING**
24 **PROCEDURES; AND**

25 **11. OTHER TREATMENTS AS PRESCRIBED TO SUPPRESS**
26 **THE DEVELOPMENT OF ENDOGENOUS SECONDARY SEX CHARACTERISTICS, ALIGN**
27 **THE INDIVIDUAL’S APPEARANCE OR PHYSICAL BODY WITH GENDER IDENTITY, AND**
28 **ALLEVIATE SYMPTOMS OF CLINICALLY SIGNIFICANT DISTRESS RESULTING FROM**
29 **GENDER DYSPHORIA.**

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

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

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

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

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

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

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

21 (II) MEDICALLY NECESSARY; AND

22 (III) PRESCRIBED IN ACCORDANCE WITH CURRENT CLINICAL
23 STANDARDS OF CARE.

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

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

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

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

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

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

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

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

19 **(2) (I) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN**
20 **2025, THE DEPARTMENT SHALL COMPILE AN ANNUAL REPORT ON GEOGRAPHIC**
21 **ACCESS TO GENDER-AFFIRMING TREATMENT ACROSS THE STATE.**

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

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

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

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

33 **(III) THE DEPARTMENT SHALL PUBLISH THE REPORT IN A**
34 **CONSPICUOUS MANNER ON THE DEPARTMENT'S WEBSITE.**

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.