

SUPPORT – SB 460

Maryland Medical Assistance Program – Gender-Affirming Treatment
Trans Health Equity Act
Senate Finance Committee
February 28, 2023

Chair Griffith and Members of the Committee,

Thank you for the opportunity to provide written testimony in support of Senate Bill 460, on behalf of Disability Rights Maryland (DRM). DRM is a legal nonprofit and Maryland’s federally designated Protection & Advocacy agency. DRM is dedicated to advancing the civil rights of people with disabilities.

Maryland’s Medicaid program currently fails to cover the full range of medically necessary, gender-affirming healthcare. Every major medical organization has endorsed the medical necessity of this care, including the American Medical Association and the World Health Organization.¹

By withholding necessary coverage, Maryland is deepening a crisis among a community that already faces disparate health burdens. Strikingly, 39% of transgender individuals have one or more disabilities, compared to 15% of the general population.² It is no surprise that failing to provide adequate treatment for a medical condition, such as gender dysphoria, leads to significant long-term health consequences.

Providing full coverage for gender-affirming care is also legally required. Multiple federal courts have found that states violated nondiscrimination provisions in the Affordable Care Act when they withheld coverage for gender-affirming care.³ Likewise, federal Medicaid regulations require providing coverage in sufficient “amount, duration, and scope” and coverage must be comparable across beneficiary groups. By targeting specific procedures for exclusion when they are prescribed for gender dysphoria, Maryland Medicaid is violating Medicaid regulations.⁴

DRM urges the Committee to follow medical best practices and issue a favorable report on SB 460. Thank you for your consideration. Please contact Sam Williamson at 410-727-6352 or SamW@DisabilityRightsMd.org with any questions.

¹ *AMA fights to protect health care for transgender patients*, American Medical Association, <https://www.ama-assn.org/health-care-advocacy/advocacy-update/march-26-2021-state-advocacy-update>; Virginia Macdonald, et al., *The World Health Organization’s work and recommendations for improving the health of trans and gender diverse people*, 25 J. of International AID Society S5 (2022), <https://onlinelibrary.wiley.com/doi/10.1002/jia2.26004>.

² Health Disparities at the Intersection of Disability and Gender Identity: A Framework and Literature Review, Disability Rights Education & Defense Fund (July 2018) at 2, <https://dredf.org/wp-content/uploads/2018/07/Health-Disparities-at-the-Intersection-of-Disability-and-Gender-Identity.pdf>.

³ *Fain v. Crouch*, – F. Supp. 3d –, 2022 WL 3051015, *12 (S.D. W. Va. 2022); *Cruz v. Zucker*, 195 F. Supp. 3d 554, 581 (S.D.N.Y. 2016); *Flack v. Wisconsin Dep’t of Health Servs.*, 395 F. Supp. 3d 1001, 1015 (W.D. Wis. 2019).

⁴ See *Fain*, 2022 WL 3051015, *13-14; *Cruz*, 195 F. Supp. 3d at 577; *Flack*, 395 F. Supp. 3d at 1019.