

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

410.576.6571

WRITER'S DIRECT DIAL NO.

410.576.6513

February 10, 2023

To: The Honorable Joseline Pena-Melnyk
Chair, Health and Government Operations Committee
From: The Office of the Attorney General
Re: HB0283 – Maryland Medical Assistance Program – Gender Affirming Treatment
(Trans Health Equity Act)

The Office of the Attorney General writes to urge your favorable report for HB0283. This bill clarifies the definition of covered gender-affirming treatment for enrollees in the Maryland Medical Assistance Program. It requires assessment of treatment requests in accordance with current clinical standards of care and prohibits the denial or limitation of coverage without review by a health care provider with experience delivering gender-affirming treatment and confirmation that the denial or limitation is appropriate. The bill also requires each Managed Care Organization contracted with the Maryland Department of Health to compile annually the names and locations of each provider the MCO has a contract with to provide gender-affirming treatment, and the types of treatment offered. This information is to be included in provider directories, on the Department's website, and in an annual report on geographic access to gender-affirming treatment across the state. In totality, this bill intends to reduce as many barriers as possible to access to gender-affirming treatment for those who seek it.

Transgender individuals often face multiple barriers to obtaining care; they are also more likely than their peers to be uninsured, in poor health, suffer from psychological distress (including a higher risk of suicide), and to have low household incomes. Nearly 1 in 10 transgender adults in the U.S. are income-eligible for Medicaid services. Recently, the Biden Administration announced it will enforce sexual orientation and gender identity protections under Section 1557 of the Affordable Care Act which prohibits discrimination based on sex. <https://www.kff.org/womens-health-policy/issue-brief/update-on-medicaid-coverage-of-gender-affirming-health-services/>

The World Professional Association for Transgender Health notes in its Standards of Care, 7th version (originally published in 1979), that its clinical guidance is established

to help health professionals assist transsexual, transgender, and gender nonconforming people maximize their overall health, psychological well-being, and self-fulfillment. World Professional Association for Transgender Health. (2012). *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People* [7th Version]. <https://www.wpath.org/publications/soc>. The American Medical Association also supports access to quality, evidence-based health care regardless of gender or sexual orientation. <https://www.ama-assn.org/delivering-care/population-care/advocating-lgbtq-community>

Support of the Trans Health Equity Act is consistent with the goals and priorities of the Office of the Attorney General to promote policies and initiatives that combat systemic inequities and protect the rights, responsibilities, and privileges of all Marylanders.

We urge your favorable support of SB0283.