



**Press Contact:** Patrick Paschall  
**Email:** ppaschall@freestatelegal.org  
**Phone:** 410.625.5428 (office)  
409.771.6763 (cell)

## **FOR IMMEDIATE RELEASE**

### **FreeState Legal Celebrates Major Gains in Access to Healthcare for Transgender Marylanders**

*Thousands of Transgender Marylanders Will Now Have Access to Transgender-Inclusive Health Care*

**Baltimore, MD — November 19, 2015** — FreeState Legal, Maryland’s civil legal aid organization for the low-income lesbian, gay, bisexual, transgender, and queer community, announces two separate expansions of access to health care coverage for the transgender community. CareFirst, the state’s largest health insurer, and Maryland Medical Assistance, the state’s Medicaid program, have informed FreeState Legal that they have both removed discriminatory policy exclusions that have prevented transgender patients from accessing medically necessary care for the process of gender transition.

“Nobody should be denied access to medically necessary health care because of insurer discrimination,” said Patrick Paschall, executive director of FreeState Legal. “With the removal of transition-related care exclusions from all health insurance plans CareFirst offers in Maryland and by allowing low-income Marylanders to access transgender-inclusive benefits through Medicaid, thousands of transgender people will now have access to life-saving and gender affirming transition-related health care. We applaud CareFirst and the Hogan Administration for taking these important steps to ensure that transgender people have equal access to the health care they need.”

Both victories arise out of advocacy from FreeState Legal. CareFirst agreed to change its policy regarding transition-related care after FreeState Legal, along with pro bono cooperating counsel Jessica P. Weber of Brown, Goldstein & Levy, LLP, filed an insurance discrimination claim against the insurer on behalf of a client who was denied transition-related health care by CareFirst. Although CareFirst reversed course and agreed to cover that particular client’s health care because it was medically necessary for reasons other than gender transition, the insurer also committed to removing transition-care exclusions from its health plans. Maryland Medical Assistance chose to remove its transition-related care exclusions after FreeState Legal settled a legal claim with the State of Maryland over a similar exclusion in the state’s employee health benefits program—as part of the settlement, the State removed the exclusion and began providing a comprehensive health benefit for gender transition-related care. Following that settlement, FreeState Legal approached Maryland’s Medicaid agency and requested that the Medicaid program be updated to reflect the benefits offered to state employees.

CareFirst, Maryland’s largest health insurer, has now eliminated an exclusion that previously denied coverage for any “treatment leading to or in connection with transsexualism, or sex changes or modifications, including, but not limited to surgery,” without regard to medical necessity. The exclusion will no longer appear in CareFirst’s health insurance plans sold in Maryland on the small-group, large-group, and individual markets—including individual plans purchased through Maryland Health



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Connection, the state's insurance marketplace established under the Affordable Care Act. The removal of the exclusion will take effect for all CareFirst insurance plans that renew or become effective on or after January 1, 2016—if a plan renews mid-year, the exclusion will not be removed until the renewal date. (Notably, the exclusion may still appear in some health benefit plans offered by large self-insured employers for whom CareFirst administers, rather than insures, the employer-sponsored health plan.)

Separately, the Maryland Department of Health & Mental Hygiene has informed FreeState Legal that it has finalized a regulation that was proposed in January 2015, removing a similar exclusion from Maryland Medical Assistance, the state's Medicaid program. The former Medicaid exclusion barred coverage for "gender change or sex reassignment procedures" performed by a physician. The newly finalized regulation removing this exclusion is expected to take effect on December 10, 2015. Then-Governor Martin O'Malley announced in November 2014 that the Maryland Medicaid program intended to remove the exclusion.

Exclusions like the ones that CareFirst and Maryland Medical Assistance have removed are present in many health insurance plans across the country, but are increasingly being successfully challenged as discriminatory. Such exclusions bar coverage for care even where the care is medically necessary, and even when the health plans cover substantially the same treatments for patients who are not transgender (such as hormone replacement therapies, mastectomies, and reconstructive surgeries). Regulators in several other states have prohibited such exclusions in state Medicaid programs, including Massachusetts, California, Colorado, Connecticut, Illinois, New York, Oregon, Vermont, and the District of Columbia. Today's announcement makes Maryland the 10th jurisdiction to remove transition-related care exclusions from the Medicaid program.

"Transition-related care exclusions serve no other purpose than to discriminate against transgender people," said Paschall. "To deny life-saving medical care to an entire population based solely on the fact that they identify as transgender is unconscionable. FreeState Legal will continue to bring legal action against insurers that discriminate and employers that choose discriminatory plans. We will not stop until all transgender people in Maryland have full and equal access to the health care they need."

Open enrollment on Maryland Health Connection takes place November 1, 2015 – January 31, 2016. Individuals can search for health plans that meet their needs, compare pricing options, review financial assistance packages such as tax credits and subsidies, determine eligibility for Medicaid, and purchase health insurance options on the individual market at [www.MarylandHealthConnection.gov](http://www.MarylandHealthConnection.gov). CareFirst plans and Medicaid plans are both accessible through Maryland Health Connection.

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FreeState Legal is a statewide non-profit organization that serves the low-income lesbian, gay, bisexual, transgender, and queer (LGBTQ) community in Maryland through direct legal services, impact litigation, policy advocacy, and outreach and training activities. For more information, visit [www.freestatelegal.org](http://www.freestatelegal.org), call 410-625-5428, or email [info@freestatelegal.org](mailto:info@freestatelegal.org).