

**Ending the Epidemic Task Force  
Committee Recommendation  
CR40**

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**Recommendation Title: Comprehensive Transgender Healthcare**

- 1. For which goal outlined in the Governor's plan to end the epidemic in New York State does this recommendation apply? 1 and 2**
  
- 2. Proposed Recommendation:** The recently proposed new regulations that will require both Medicaid and third party payers to cover all hormone therapy and gender reassignment surgery for transgender persons is an excellent step toward helping ensure that transgender persons have access to needed treatment. However, additional measures are needed to help ensure that this coverage extends to all New Yorkers who need it and that the care they receive is appropriate and well managed. Transgender women, especially women of color, are disproportionately affected by HIV and their linkage to care is essential. Providing full transgender health coverage – both private and public (via Medicaid) – will help assure this linkage to care.

To that end, we recommend the following:

- 1) Transgender youth are often the most vulnerable and at the highest risk for HIV infection. We recommend that coverage for transgender care is extended to all adults and children.
  
- 2) The Commissioner of Finance and the Governor's office should seek to ensure that transgender persons with health coverage through the Employee Income Retirement Security Act (ERISA) have access to the same level of care as those covered by traditional third party payers.
  
- 3) Transgender care should not be linked to the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) diagnosis of gender dysphoria.
  
- 4) Transgender persons should be allowed to access medically necessary treatments in the order determined by their healthcare provider. There should not be a hierarchy of procedures, surgeries or treatment for people with transgenderism to receive care.
  
- 5) Medical and psychological experts in the care of transgenderism should be involved in the formulation and implementation of future regulations regarding transgender healthcare.



**List of key individuals, stakeholders, or populations who would benefit from this recommendation**

- Transgender individuals
- Providers who will provide a more complete range of health services

**Footnotes or References**

NYS Department of Financial Services

[http://www.transgenderlegal.org/media/uploads/doc\\_597.pdf](http://www.transgenderlegal.org/media/uploads/doc_597.pdf).

Transgender Legal Defense and Educational Fund guidance December 11, 2014

[http://www.tldef.org/headline\\_show.php?id=550](http://www.tldef.org/headline_show.php?id=550).

Medicaid ruling: [http://www.transgenderlegal.org/headline\\_show.php?id=554](http://www.transgenderlegal.org/headline_show.php?id=554)New York

Times, December 10, 2014 <http://www.nytimes.com/2014/12/11/nyregion/in-new-york-insurance-must-cover-sex-changes-cuomo-says.html>.

- 3. Would implementation of this recommendation be permitted under current laws or would a statutory change be required?** Permitted under current law.
- 4. Is this recommendation something that could feasibly be implemented in the short-term (within the next year) or long-term (within the next three to six years)?** Within the next year.
- 5. Please list the TF numbers of the original recommendations that contributed to this current version:** TF118, TF148, TF155, TF156.

