

MedChi

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TO: The Honorable Shane E. Pendergrass, Chair
Members, House Health and Government Operations Committee
The Honorable Anne R. Kaiser

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Christine K. Krone

DATE: March 2, 2022

RE: **SUPPORT WITH AMENDMENT** – House Bill 746 – *Maryland Medical Assistance Program – Gender-Affirming Treatment (Trans Health Equity Act of 2022)*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports with amendment** House Bill 746.

House Bill 746 provides an important enhancement of Medicaid benefits to address gender-affirming treatment, provides clarification of what is considered gender-affirming treatment, and provides protections for the appropriate review of requested treatment to ensure that care is not unreasonably or inappropriately denied.

The legislation defines gender-affirming treatment as any medically necessary treatment consistent with current clinical standards of care prescribed by a licensed health care provider for the treatment of a condition related to the individual's gender identity. If enacted, Medicaid could not exclude gender-affirming treatment on the basis that the treatment is a cosmetic service and could not issue an adverse benefit determination denying or limiting access to gender-affirming treatment unless a health care provider with experience prescribing or delivering gender-affirming treatment had reviewed and confirmed the appropriateness of the adverse benefit determination.

In addition, House Bill 746 requires each Managed Care Organization (MCO) to submit to the Maryland Department of Health (MDH), a list of the name and location of each health care provider offering gender affirming treatment with which the MCO has an active contract and the types of procedures provided by each provider. Annually, MDH must compile a report that includes the name and location of each health care provider offering gender-affirming treatment to Medicaid recipients; the MCOs that have active contracts with each health care provider; and the types of gender-affirming treatment provided by each health care provider. The report must be posted on MDH's website to assist

the public in accessing these medically necessary services.

Individuals that require gender-affirming treatment must often overcome the stigma, inherent discrimination, and often unfair assessment of the medical necessity of a required treatment. This treatment is most often provided by health care practitioners whose clinical practice focuses and/or specifically includes gender affirming treatment. The statutory framework reflected in House Bill 746 will ensure the provision of medically necessary, clinically appropriate services reflective of recognized standards of care and provides a mechanism to ensure there are not intended or discriminatory adverse benefit determinations. Further, the bill will help enhance access to these services by identifying the health care practitioners who provide these services.

MedChi strongly supports the objectives of this legislation but would suggest the bill be amended to delete the detailed list of covered services and instead to utilize language that describes categories of services. Legislating specific procedures has historically proven to ultimately undermine the ability to maintain a framework that recognizes the current standard of care. Should procedures or services be added or deleted from the standard of care, the statute would need to be amended, which is often a difficult and untimely process. With its suggested amendment noted, MedChi urges a favorable report.

For more information call:

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