

Lawsuit challenges state's Medicaid policy denying transgender-related health care coverage

By Renee Gross • 15 hours ago

A transgender woman is suing the Alaska Department of Health and Social Services commissioner for denying transition-related health care coverage under Medicaid. The lawsuit, which seeks to be class action, was filed in federal court on Monday. The suit argues that prohibiting coverage for gender reassignment surgery and hormone therapy is discriminatory and illegal.

Homer resident Swan Being relies on Medicaid for some of her health care expenses. In January, her doctor asked that Medicaid pay for Being to travel from Homer to Anchorage so she could receive hormone injections and lab work related to her gender reassignment. But Being said that request was denied.

“I was real shocked when that happened and dismayed,” she said. “I need my care. It’s life or death.”

Though she says she relies on different insurances, she said she hasn’t had a problem getting coverage for hormone therapy until this year. Attorney Jim Davis, with the Northern Justice Project, represents Being.

The Northern Justice Project is also representing plaintiffs suing the Sitka Police Department on discrimination allegations and the [plaintiff](#) who is alleging unfair collection of sales tax by marketing company LuLaRoe.

Davis said if Being doesn’t get this treatment, she’ll face negative consequences.

“The only reason the state denied it is because of a regulation that said you can't have any Medicaid treatment for gender dysphoria, no matter what your doctors say,” he said.

According to the [Movement Advancement Project](#), a nonprofit think tank that advocates for LGBT equality, Alaska is one of 11 states with a Medicaid program that explicitly excludes transgender health care coverage.

Davis said Alaska’s regulation that prohibits coverage for transgender treatment services under Medicaid violates the equal protection law under the 14th Amendment.

“Which provides all people need to be treated equally,” he said. “If some people are eligible to get medically necessary treatment and others aren’t simply because we don't like the treatment they're getting or we don't agree with their conditions: that's illegal.”

Davis said the regulation also violates equal treatment under the Medicaid Act. He adds that he expects there are more than forty transgender residents in Alaska who are eligible to join the case against the Alaska Department of Health and Social Services Commissioner Adam Crum.

There have been similar challenges to regulations denying transgender-related health care across the country, including in [Minnesota](#).

“So in that case, the federal court struck down the regulation,” he said. “We expect the same thing is going to happen in our case.”

The Department of Health and Social Services said it has not been served with the lawsuit and declined

to comment.