

Fight looms over transgender treatments in Medicaid

WJCT News | By Jim Saunders - News Service of Florida

Published June 6, 2022 at 10:47 AM EDT

National and state legal and LGBTQ-advocacy groups are preparing to fight a move by Gov. Ron DeSantis' administration to deny Medicaid coverage for treatments such as hormone therapy and puberty-blocking medication for transgender people.

Lambda Legal, the National Health Law Program, the Florida Health Justice Project and Southern Legal Counsel issued a statement Friday, a day after the Florida Agency for Health Care Administration announced it would start a rule-making process related to treatment for gender dysphoria.

The groups sharply criticized a report that the Agency for Health Care Administration is using as a basis for the expected effort to deny Medicaid coverage for the treatments. The statement called the report "disingenuous" and said it "draws on junk science and cites discredited so-called experts to justify denying Medicaid coverage for hormone therapy and other accepted medical interventions, as well as for gender-confirming surgery."

"Should AHCA (the Agency for Health Care Administration) follow through on its clear intent to engage in a sham rulemaking charade, rather than conduct a robust and substantive process that incorporates valid science and is not predetermined, we stand ready to defend the rights of transgender people in Florida, including the right to nondiscriminatory health care coverage," the statement said. "The lives, health and well-being of transgender Floridians are at stake."

As of Monday morning, AHCA had not published the proposed rule in the Florida Administrative Register, an initial step in the process. But in the report released Thursday, the agency targeted treatments that it said are "not consistent with generally accepted professional medical standards and are experimental and investigational."

"Following a review of available literature, clinical guidelines and coverage by other insurers and nations, Florida Medicaid has determined that the research supporting sex reassignment treatment is insufficient to demonstrate efficacy and safety," said the report, which was signed by state Medicaid director Tom Wallace.

State Surgeon General Joseph Ladapo, who doubles as secretary of the Florida Department of Health, followed later Thursday by asking the state Board of Medicine to review the AHCA findings and "establish a standard of care for these complex and irreversible procedures," according to a copy of the request posted online by NBC News. The Board of Medicine regulates the state's medical doctors.

The moves by AHCA and Ladapo are part of series of political battles in Florida and other states about transgender issues. As an example, DeSantis in 2021 signed a law that prevents transgender females from competing on high-school girls' and college women's sports teams. Also, he signed a measure this year that restricts teaching about gender identity and sexual orientation in public schools.

The health-care part of the debate centers on treatment for gender dysphoria, which the federal government defines as clinically "significant distress that a person may feel when sex or gender assigned at birth is not the same as their identity."

Prominent medical groups and the Biden administration support treatments for gender dysphoria. In the

statement Friday, the legal and LGBTQ-advocacy groups said the state's expected proposed rule would "deny Medicaid coverage for what is widely acknowledged to be medically necessary care for gender dysphoria."

The AHCA report said Florida's massive Medicaid program has not had an "explicit policy" about covering puberty-blocking medication, hormone therapy and sex-reassignment surgery to treat gender dysphoria. Other states have a mixture of policies, with some banning coverage and others allowing it.

By law, services provided in the Medicaid program must be deemed "medically necessary." One test of medical necessity is whether services are consistent with "generally accepted professional medical standards" and are not "experimental or investigational."

The report's conclusion that the gender-dysphoria treatments fail that test opens the door to coverage being denied.

Publishing the proposed rule would start a process that could lead to challenges before a state administrative law judge.