

HOUSE BILL 746

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CF SB 682

By: **Delegate Kaiser**

Introduced and read first time: February 3, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Gender–Affirming Treatment**
3 **(Trans Health Equity Act of 2022)**

4 FOR the purpose of requiring, beginning on a certain date, the Maryland Medical
5 Assistance Program to provide gender–affirming treatment; prohibiting the Program
6 from issuing an adverse benefit determination related to gender–affirming
7 treatment unless a health care provider with experience prescribing or delivering
8 gender–affirming treatment has reviewed and confirmed the appropriateness of the
9 determination; and generally relating to gender–affirming treatment and the
10 Maryland Medical Assistance Program.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 15–103(a)(1)
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 15–103(a)(2)(xvi) and (xvii)
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

21 BY adding to
22 Article – Health – General
23 Section 15–103(a)(2)(xviii) and 15–150
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2021 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(2) The Program:

(xvi) Beginning on January 1, 2021, shall provide, subject to the limitations of the State budget and § 15–855(b)(2) of the Insurance Article, and as permitted by federal law, services for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome, including the use of intravenous immunoglobulin therapy, for eligible Program recipients, if pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome are coded for billing and diagnosis purposes in accordance with § 15–855(d) of the Insurance Article; [and]

(xvii) Beginning on January 1, 2022, may not include, subject to federal approval and limitations of the State budget, a frequency limitation on covered dental prophylaxis care or oral health exams that requires the dental prophylaxis care or oral health exams to be provided at an interval greater than 120 days within a plan year; AND

(XVIII) BEGINNING ON JANUARY 1, 2023, SHALL PROVIDE GENDER–AFFIRMING TREATMENT IN ACCORDANCE WITH § 15–150 OF THIS SUBTITLE.

15–150.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “GENDER–AFFIRMING TREATMENT” MEANS 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.

(II) “GENDER–AFFIRMING TREATMENT” INCLUDES:

1. HORMONE THERAPY, HORMONE BLOCKERS, AND PUBERTY BLOCKERS;

1 **2. HAIR ALTERATION FOR THE PURPOSES OF ALTERING**
2 **SECONDARY SEX CHARACTERISTICS AND SURGICAL SITE PREPARATION, INCLUDING**
3 **ELECTROLYSIS, LASER HAIR REMOVAL, HAIRPLASTY, HAIR TRANSPLANTATION, AND**
4 **MEDICAL TATTOOING FOR HAIR RECONSTRUCTION AND APPEARANCE OF SCAR;**

5 **3. LARYNGOPLASTY, VOICE MODIFICATION SURGERY,**
6 **VOICE THERAPY, AND VOICE LESSONS;**

7 **4. ALTERATIONS TO ABDOMEN, CHEST, TRUNK, AND**
8 **BUTTOCKS, INCLUDING ABDOMINOPLASTY, MASTECTOMY, BREAST REDUCTION AND**
9 **AUGMENTATION PROCEDURES, MASTOPEXY, NIPPLE AND AREOLA**
10 **RECONSTRUCTION, LIPOSUCTION, EXCISION OF EXCESSIVE SKIN AND**
11 **SUBCUTANEOUS TISSUE, PANNICULECTOMY, AUTOLOGOUS FAT GRAFTING,**
12 **PHOSPHATIDYLCHOLINE AND DEOXYCHOLATE LIPOLYTIC INTERVENTIONS,**
13 **PLACEMENT OF HIP AND OTHER IMPLANTS, AND MEDICAL TATTOOING FOR NIPPLE**
14 **RECONSTRUCTION AND APPEARANCE OF SCAR;**

15 **5. SURGERY TO THE FACE AND NECK, INCLUDING**
16 **FACIAL BONE RECONSTRUCTION, FACIAL BONE REMODELING, GENIOPLASTY,**
17 **MANDIBULAR ANGLE AUGMENTATION/CREATION/REDUCTION, ORBITAL**
18 **RECONTOURING, LATERAL CANTHOPEXY, LYSIS INTRANASAL SYNECHIA,**
19 **SEPTOPLASTY, ORTHOGNATHIC SURGERY, TRANSORAL MANDIBULAR**
20 **OSTEOPLASTY, PLACEMENT OF IMPLANTS TO THE CHEEK, FOREHEAD, CHIN, NOSE,**
21 **JAW, AND LARYNGEAL PROMINENCE, BLEPHAROPLASTY, BROW LIFT, COLLAGEN**
22 **INJECTIONS, INJECTION OF HYALURONIC ACID BASED SEMIPERMANENT**
23 **MATERIALS, AUTOLOGOUS FAT GRAFTING, PHOSPHATIDYLCHOLINE AND**
24 **DEOXYCHOLATE LIPOLYTIC INTERVENTIONS, FACE AND FOREHEAD LIFTS,**
25 **RHYTIDECTOMY, NECK TIGHTENING, LIP REDUCTION AND ENHANCEMENT, THYROID**
26 **CHONDROPLASTY, TRACHEAL SHAVE, REMOVAL OF REDUNDANT SKIN,**
27 **RHINOPLASTY, AND MEDICAL TATTOOING FOR LIP RECONSTRUCTION AND**
28 **APPEARANCE OF SCAR;**

29 **6. SURGERY TO THE GENITALS AND GONADS,**
30 **INCLUDING CLITOROPLASTY, COLOVAGINOPLASTY, GLANSPLASTY,**
31 **HYSTERECTOMY, LABIAPLASTY, AUTOLOGOUS FAT GRAFTING,**
32 **PHOSPHATIDYLCHOLINE AND DEOXYCHOLATE LIPOLYTIC INTERVENTIONS,**
33 **MEDICAL TATTOOING FOR GLANS RECONSTRUCTION AND APPEARANCE OF SCAR,**
34 **METOIDIOPLASTY, OOPHORECTOMY, ORCHIECTOMY, OVARIECTOMY, PENECTOMY,**
35 **PHALLOPLASTY, PLACEMENT OF A TESTICULAR PROSTHESIS AND PENILE**
36 **PROSTHESIS SALPINGECTOMY, SALPINGO-OOPHORECTOMY, SCROTECTOMY,**
37 **SCROTOPLASTY, URETHROPLASTY, VAGINECTOMY, VAGINOPLASTY, VULVECTOMY,**
38 **AND VULVOPLASTY;**

1 **7. LASER TREATMENT FOR SCARS FROM**
2 **GENDER-AFFIRMING TREATMENT;**

3 **8. STANDARD FERTILITY PRESERVATION PROCEDURES,**
4 **AS SET FORTH IN § 15-810.1 OF THE INSURANCE ARTICLE;**

5 **9. REVISIONS TO PREVIOUS TREATMENTS AND**
6 **REVERSAL OF TREATMENTS;**

7 **10. COMBINATIONS OF GENDER-AFFIRMING**
8 **PROCEDURES; AND**

9 **11. OTHER TREATMENTS AS PRESCRIBED TO SUPPRESS**
10 **THE DEVELOPMENT OF ENDOGENOUS SECONDARY SEX CHARACTERISTICS, ALIGN**
11 **THE INDIVIDUAL'S APPEARANCE OR PHYSICAL BODY WITH GENDER IDENTITY, AND**
12 **ALLEVIATE SYMPTOMS OF CLINICALLY SIGNIFICANT DISTRESS RESULTING FROM**
13 **GENDER DYSPHORIA.**

14 **(III) "GENDER-AFFIRMING TREATMENT" MAY:**

15 **1. INCLUDE TREATMENT DESCRIBED IN THE CURRENT**
16 **CLINICAL STANDARDS OF CARE FOR GENDER-AFFIRMING TREATMENT PUBLISHED**
17 **BY THE WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH; AND**

18 **2. BE PRESCRIBED TO TRANSGENDER, NONBINARY,**
19 **INTERSEX, TWO SPIRIT, AND OTHER GENDER DIVERSE INDIVIDUALS.**

20 **(3) "GENDER IDENTITY" HAS THE MEANING STATED IN § 20-101 OF**
21 **THE STATE GOVERNMENT ARTICLE.**

22 **(B) (1) THE PROGRAM SHALL PROVIDE COVERAGE FOR**
23 **MEDICALLY NECESSARY GENDER-AFFIRMING TREATMENT IN A**
24 **NONDISCRIMINATORY MANNER.**

25 **(2) THE GENDER-AFFIRMING TREATMENT SHALL BE ASSESSED**
26 **ACCORDING TO NONDISCRIMINATORY CRITERIA THAT ARE CONSISTENT WITH**
27 **CURRENT CLINICAL STANDARDS OF CARE.**

28 **(3) THE PROGRAM MAY NOT DENY OR LIMIT COVERAGE FOR**
29 **GENDER-AFFIRMING TREATMENT WHEN THAT TREATMENT IS:**

30 **(I) PRESCRIBED TO A PROGRAM RECIPIENT BECAUSE OF,**
31 **RELATED TO, OR CONSISTENT WITH THE RECIPIENT'S GENDER IDENTITY;**

1 (II) MEDICALLY NECESSARY; AND

2 (III) PRESCRIBED IN ACCORDANCE WITH CURRENT CLINICAL
3 STANDARDS OF CARE.

4 (4) THE PROGRAM MAY NOT EXCLUDE GENDER-AFFIRMING
5 TREATMENT, INCLUDING REVISIONS TO PRIOR GENDER-AFFIRMING TREATMENT,
6 ON THE BASIS THAT THE TREATMENT IS A COSMETIC SERVICE.

7 (5) THE PROGRAM MAY NOT ISSUE AN ADVERSE BENEFIT
8 DETERMINATION DENYING OR LIMITING ACCESS TO GENDER-AFFIRMING
9 TREATMENT UNLESS A HEALTH CARE PROVIDER WITH EXPERIENCE PRESCRIBING
10 OR DELIVERING GENDER-AFFIRMING TREATMENT HAS REVIEWED AND CONFIRMED
11 THE APPROPRIATENESS OF THE ADVERSE BENEFIT DETERMINATION.

12 (C) (1) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2023,
13 EACH MANAGED CARE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT A
14 REPORT THAT INCLUDES:

15 (I) THE NAME AND LOCATION OF EACH HEALTH CARE
16 PROVIDER OFFERING GENDER-AFFIRMING TREATMENT WITH WHICH THE MANAGED
17 CARE ORGANIZATION HAS AN ACTIVE CONTRACT; AND

18 (II) THE TYPES OF GENDER-AFFIRMING TREATMENT PROVIDED
19 BY EACH HEALTH CARE PROVIDER.

20 (2) (I) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN
21 2024, THE DEPARTMENT SHALL COMPILE AN ANNUAL REPORT ON GEOGRAPHIC
22 ACCESS TO GENDER-AFFIRMING TREATMENT ACROSS THE STATE.

23 (II) THE REPORT SHALL INCLUDE:

24 1. THE NAME AND LOCATION OF EACH HEALTH CARE
25 PROVIDER OFFERING GENDER-AFFIRMING TREATMENT TO PROGRAM RECIPIENTS;

26 2. THE MANAGED CARE ORGANIZATIONS THAT HAVE
27 ACTIVE CONTRACTS WITH EACH HEALTH CARE PROVIDER; AND

28 3. THE TYPES OF GENDER-AFFIRMING TREATMENT
29 PROVIDED BY EACH HEALTH CARE PROVIDER.

1 **(III) THE DEPARTMENT SHALL PUBLISH THE REPORT IN A**
2 **CONSPICUOUS MANNER ON THE DEPARTMENT’S WEBSITE.**

3 **(3) THE DEPARTMENT AND EACH MANAGED CARE ORGANIZATION**
4 **SHALL INCLUDE THE NAME, LOCATION, AND TYPES OF SERVICES FOR EACH**
5 **PROVIDER OFFERING GENDER-AFFIRMING TREATMENT IN THEIR PROVIDER**
6 **DIRECTORIES.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2022.