



## Committee on Health and Human Services

### LD 1040 - An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members

April 12, 2023

Senator Baldacci, Representative Meyer, and honorable members of the Committee on Health and Human Services, my name is Gia Drew. I am the Executive Director of EqualityMaine, which has been representing and advocating for Maine's LGBTQ+ community since 1984, and I am testifying today on behalf of EqualityMaine and our partners from GLBTQ Legal Advocates & Defenders (GLAD), ACLU of Maine, the Maine Women's Lobby, and the Maine Chapter of the American Academy of Pediatrics in support of LD 1040, An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members. We appreciate the Department and Representative Moonen for bringing this bill forward.

With the passage of LD 1 - An Act To Protect Health Care Coverage for Maine Families, in 2019, exclusions for transgender healthcare in private insurance plans were removed, yet our state's version of Medicaid - MaineCare - still had an exclusion. As a result, the Maine Department of Health and Human Services initiated rulemaking to bring MaineCare into alignment with private insurance. Along with our GLAD, Maine TransNet, and ACLU of Maine partners we testified in favor of the change, and in the fall of 2019 DHHS adapted their rules, removing the exclusion and officially providing coverage for medically necessary care for transgender Mainers who utilize MaineCare.

---

<sup>1</sup> 10-144 Chapter 101, MaineCare Benefits Manual, Chapter II.

Unfortunately, medical care bans across the country represent one of the most extreme and coordinated political attacks on transgender people in years. These bills target transgender people, especially youth, by blocking their access to medically necessary care provided in a context of a long-developed, rigorous standard of care for assessment, diagnosis, and treatment. This affirming model has been recommended by nearly every major medical association, including the American Academy of Pediatrics, the American Medical Association, the American Psychological Association, the Endocrine Society, the World Professional Association for Transgender Health (WPATH), the American College of Obstetricians and Gynecologists, and many others. These bills not only display a fundamental lack of understanding of transgender people, but they also ban access to medically-necessary care and punish those who seek it by often criminalizing either the doctors or even the parents of transgender youth seeking to provide best-practice medicine for children in their care.

Nationwide, state Medicaid policies reflect varying interpretations of federal regulations that prohibit discrimination based on gender identity. But 26 states, including Maine and the District of Columbia, explicitly say that their Medicaid program covers medically necessary care for transgender people, and we want to ensure this is the plainly stated in Maine law so that people can get the care they need. Of course, there is real fear in our community that what is happening in states across the country will end up causing harm here in Maine.

This bill would prohibit the MaineCare program from discriminating in its reimbursement for medically necessary treatment on the basis of a MaineCare member's gender identity or gender expression, or on the basis that the MaineCare member is a transgender individual, and requires that the program cover medically necessary treatment for or related to gender dysphoria. Stated another way, gender transition that falls within a member's scope of covered MaineCare benefits (physician services, prescribed drugs, inpatient and outpatient hospital services) will be compensable under the MaineCare program when medically necessary.

By steadfastly aligning with accepted standards of care, it represents a critical step in reducing documented transgender health disparities, especially in low-income populations.

I urge you to support this bill, and to vote ought to pass on LD 1040. Let's respect and protect the rights of Mainers seeking life-saving medical care.

Gia Drew  
(she/her)

On behalf of:

ACLU Maine

EqualityMaine

GLBTQ Legal Advocates & Defenders (GLAD)

Maine Women's Lobby

Maine Chapter, American Academy of Pediatrics