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Maine Equal Justice

People Policy Solutions

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Testimony in Support of LD 1040, *An Act to Provide Reimbursement for Gender-affirming Care for MaineCare Members*

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Good afternoon Senator Baldacci, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services. My name is Alex Carter, I use she/her pronouns, and I am a Policy Advocate at Maine Equal Justice, a nonprofit legal aid provider working to increase economic security, opportunity, and equity for people in Maine. I am pleased to provide testimony in support of LD 1040, introduced by Representative Moonen.

At a time when bodily autonomy and transgender people are under attack in this country, the state of Maine must reaffirm our value that *everyone* deserves the healthcare they need.

Nationally, transgender and nonbinary adults are more likely to have low income, be uninsured, and report worse health outcomes than their cisgender peers or those whose gender identity aligns with their sex assigned at birth. Because more transgender people are low-income, Medicaid plays an outsized role in their health care coverage and access to services.¹ A recent transgender community survey reports that over 34% of Mainers who identify as transgender are enrolled in MaineCare as compared with 19% of the total population.

Gender-affirming care is a supportive form of health care that includes an array of critical medical, behavioral, surgical, social, and psychological services to support and affirm an individual's gender identity.² Currently, access to gender affirming care for Medicaid beneficiaries is largely determined by geography. As of December 2022, roughly half of states included gender-affirming care under their Medicaid programs while seven states explicitly excluded it.³ In 2019, the Mills Administration issued an emergency rule requiring MaineCare to cover gender-affirming services in compliance with Section 1557 of the Affordable Care Act

¹ <https://www.kff.org/womens-health-policy/issue-brief/update-on-medicaid-coverage-of-gender-affirming-health-services/>

² <https://opa.hhs.gov/sites/default/files/2022-03/gender-affirming-care-young-people-march-2022.pdf>

³ <https://williamsinstitute.law.ucla.edu/publications/medicaid-trans-health-care/>

(ACA) which prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities.⁴

LD 1040 seeks to put this existing rule into statute to further protect the gender-affirming care that Maine already provides to those receiving MaineCare benefits. Notably, the bill codifies definitions of “gender expression,” “gender identity,” and “transgender individual” and prohibits discrimination for reimbursement of medically necessary treatment on the basis of a MaineCare member’s gender identity or expression. As this does not reflect a change in current policy, there is no cost associated with the bill despite the significant lasting impact.

At Maine Equal Justice we have seen significant challenges for transgender MaineCare members in accessing necessary gender-affirming care, worsened by a lack of providers who offer certain types of care and who accept MaineCare. Coverage, cost, and discriminatory policies should never present additional hurdles to these existing challenges. Gender-affirming care is health care and decisions should rest with individuals and their health care providers. This bill ensures that this vital coverage is enshrined in Maine statute as it should be.

I urge you to vote ought to pass on LD 1040 to protect the rights of transgender and nonbinary people to access necessary health care, regardless of income, identity, or expression.

⁴ https://npr-brightspot.s3.amazonaws.com/legacy/sites/mpbn/files/201906/mainecare_benefits_manual__section_90__chapter_ii__physician_services_emerg_.pdf