



Pennsylvania

Don't write discrimination against transgender Pennsylvanians into law!

House Bill 1933 would prohibit CHIP and Medicaid from covering a range of transition-related services for the nearly three million Pennsylvanians, children and adults, who are insured through these programs. It would prohibit access to counseling services, prescription drugs, physician and hospital services, and surgical procedures – even when an individual's doctor determines this is medically necessary care. Instead of banning a specific procedure, HB 1933 prevents a class of people – trans people – from accessing services that are covered for other Pennsylvanians, a clear violation of federal anti-discrimination law.

Regardless of what kind of insurance a transgender person has, they should be able to access the medical care that they and their doctors agree is necessary for their health and well-being. HB 1933 puts essential and, in some cases, life-saving medical care out of reach for transgender Pennsylvanians who are insured through CHIP or Medicaid.

Any state or health insurance program or employer that implements bans on medically necessary health care – including health care for transgender people – will be subject to costly litigation. Litigation over bans on health care will cost the state millions of dollars in attorney's fees, including expert costs, depositions and trial.

The ban on coverage is regressive and out of step with the medical, legal, and national consensus on health care. Every major medical organization and an overwhelming consensus of medical experts, agree that medical treatment for gender dysphoria is medically necessary and effective.

HB 1933 compounds the discrimination transgender people face in healthcare. It is already a nearly insurmountable task for transgender people to find healthcare providers who have both the compassion and expertise to counsel them through their transition. The discrimination embedded in HB 1933 adds yet another barrier during a challenging process.

The language of the bill is illegal. The [underlying statute](#)¹ that authorized both Medicaid and CHIP requires states to provide all medically necessary care. In other states, patients have successfully challenged policies that prohibited coverage for transition-related care.

The language is also unconstitutional. Excluding coverage for medically necessary transition-related healthcare unconstitutionally [discriminates against transgender individuals](#)² in violation of the Fourteenth Amendment. Many [federal courts](#), including [one in Pennsylvania](#),³ have already held that discrimination against transgender individuals is unconstitutional.

¹ 42 U.S.C. § 1396a(a)(10)(A); 42 U.S.C. § 1396a(a)(10)(B) and 42 U.S.C. §§ 1396a(a)(17), 1396a(a)(10)(B)(i). <http://www.ibc-pa.org/PDFS/Medicaid-eligible%20children%20have%20enforceable%20rights%20to%20obtain%20EPSDT%20services.pdf>

² Cruz v. Zucker (2016).

<http://law.justia.com/cases/federal/district-courts/new-york/nysdce/1:2014cv04456/428588/134/>

³ Evancho v. Pine-Richland School District (2017).

<https://law.justia.com/cases/federal/district-courts/pennsylvania/pawdce/2:2016cv01537/233720/76/>