



NATIONAL

Oregon bans anti-trans health care discrimination

Basic Rights Oregon worked with state officials to clarify a 2007 anti-discrimination law

Published 11 years ago on January 8, 2013
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Transgender advocates have applauded new regulations that ban private health insurance companies in Oregon from discriminating against trans policy holders.

The guidelines the Oregon Insurance Division of the state Department of Consumer and Business Services announced on Dec. 19 specifically prohibit health care providers from discriminating against a policy holder based on their actual or perceived gender identity and expression. Under the guidelines, providers cannot deny coverage of hormone therapy, hysterectomies, mastectomies and other medically-necessary treatments for gender dysphoria and sex-reassignment surgery that are covered for non-trans policy holders.

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Mara Keisling, executive director of the National Center for Transgender Equality (Washington Blade file photo by Michael Key)



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The agency also prohibited insurance companies from denying coverage of a particular treatment simply because the policy holder is trans. The guidelines also expand Oregon's statewide mandate for mental health services to include trans Oregonians.

Basic Rights Oregon, a statewide LGBT advocacy group, had been working with the agency to expand these protections to trans policy holders since 2009.

Lawmakers in 2007 approved a law that explicitly banned discrimination based on sexual orientation — they defined it to include gender identity and expression, but Basic Rights Oregon had sought clarification from the agency after it received complaints from trans policy holders.

“What this means is that trans Oregonians will have access to basic medically necessary care,” Tash Shatz, trans justice program manager at Basic Rights Oregon, told the Washington Blade on Monday. “It’s a huge victory for the transgender community in Oregon. It really represents a sea change in terms of this issue.”

Michael Silverman, executive director of the Transgender Legal Defense and Education Fund, agreed.

“Oregon has correctly recognized that the well-established medical consensus is that transgender-related health care is medically necessary care,” he said. “This care is designed to treat a recognized medical condition. Transgender individuals pay the same premiums as everyone else and simply want the same benefits.”

The agency released its new guidelines two days after Oregon Health and Science University announced it would cover trans-specific health care. Intel, which is headquartered in Hillsboro, Ore., is among the 25 percent of Fortune 100 companies that currently offer trans-inclusive health care policies to their employees.

The cities of Portland, Seattle and San Francisco and Multnomah County, Ore., also cover trans-specific treatments in their health care plans. The California Department of Insurance has also enacted regulations similar to those in Oregon.

The American Psychiatric Association, the American Psychological Association and the Internal Revenue Service have said trans-specific treatments are medically-necessary care. The American Psychiatric Association on Dec. 2 announced it would remove [Gender Identity Disorder from its list of mental disorders and replace it with Gender Dysphoria.](#)

National Center for Transgender Equality Executive Director Mara Keisling told the Blade that colleges and universities, professional agencies and labor unions are among those that continue to advance efforts to ensure health insurance providers cover trans-specific treatments and procedures. She noted the SEIU, which covers full transitional care for its staff, passed a resolution in May that asked local affiliates to advocate for these benefits in contract negotiations.

“There’s a lot of really, really great advocacy going on in this area right now,” Keisling said. “[What’s] really going on here is just updating these policies now that we have better understanding of medical science, of who trans people are, now we have lots of trans people in the workplace, so we’re going to see more and more of this. This will not be the last state to do that.”

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