

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Via electronic mail: advisorygroup@dhcs.ca.gov

Managed Care Advisory Group
Managed Care Quality and Monitoring Division
1501 Capitol Avenue
Sacramento, CA 95899-7413

RE: Ensuring Access to Transgender Services, All Plan Letter 16-XXX

Justice in Aging is pleased to submit comments on the draft All Plan Letter on Ensuring Access to Transgender Services. Justice in Aging, formerly the National Senior Citizens Law Center, is a national advocacy organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

We very much support the explicit reliance in the APL on the standards of the World Professional Association for Transgender Health (WPATH) for determinations of medical necessity. WPATH standards are recognized internationally and are updated to reflect current standards of care. We also appreciate and support the recognition in the APL that a wide range of procedures can be medically necessary to treat gender dysphoria and eliminate the dissonance between the sex assigned at birth and a person's gender identity. That recognition is fully consistent with the draft guidance of the Department of Health and Human Services with respect to the civil rights protections found in Section 1557 of the Affordable Care Act. California's Medi-Cal program has been a leader nationally in ensuring that transgender beneficiaries have access needed medical services. We appreciate that the explicit guidance in this APL continues this leadership.

We do have a concern about absolute cut-offs based on age for any Medi-Cal service. We support the thorough comments of the Transgender Law Center on the issue of availability of services for individuals under 18 years of age.

We also note that there has been a continuing problem with provider access for transgender individuals, particularly for surgery. We ask that the APL also remind plans of their obligations to maintain adequate networks in compliance with 22 CCR Sec. 53835, WIC Sec, 14182(c)(2) and, if in-network providers are not available, to approve out-of-network services pursuant to 42 CFR Sec 438.206(b)(4).

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Thank you for the opportunity to comment. If there are questions concerning this submission, please contact Georgia Burke, Directing Attorney, GBurke@justiceinaging.org.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Prindiville". The signature is written in a cursive, slightly slanted style.

Kevin Prindiville
Executive Director