

the clinic, or the emergency room without endangering the life or health of the patient.

Per DHS's contract with Keystone in accordance with the Health Choices Agreement, DHS has not authorized gender reassignment surgery as a covered benefit for Medical Assistance recipients.

ANALYSIS AND CONCLUSION

Examining the facts, Keystone correctly denied Appellant's request. Per 55 Pa. Code 1141.59(11) and 1126.54(7), surgeries related to sex reassignment are not a covered benefit under Medical Assistance. The regulation is clear that payment is not made for procedures and medical care performed in connection with sex reassignment. Furthermore, the HealthChoices contract is in accordance with the aforementioned regulations and does not authorize gender reassignment surgery.

All parties agree that there is no disease within the uterus that justifies the hysterectomy as all diagnostic tests were negative. Additionally, the documentation from Appellant's physicians clearly request the hysterectomy in furtherance of sex reassignment.

While Appellant, through the documentation from his physicians, makes a strong argument regarding the medical necessity of the service regarding the effect of the Appellant's continued use of hormones on his mental health, a service must first be covered as a compensable service before the medical necessity of the service is determined. The undersigned is bound to apply and adhere to the clear and express regulations, which in this case do not permit the approval of the requested hysterectomy.

Accordingly, Appellant's appeal is denied. An appropriate Order follows.