

Transgender man sues state to pay for hysterectomy

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PHILADELPHIA — A Delaware County transgender man denied **Medicaid** coverage for a hysterectomy has sued the state, claiming the denial violates his civil rights and recent federal rulings that impoverished transgender people are entitled to taxpayer dollars for sex-change surgery.

The lawsuit, which names Pennsylvania Department of Human Services Secretary Theodore Dallas as sole defendant, asks for a declaratory judgment to end the state's Medicaid ban on covering treatment for gender dysphoria, a feeling that one's biological and psychological genders are mismatched.

Such treatment ranges from hormone therapy to surgeries such as penile construction, vaginoplasty and mastectomy.

The 30-year-old plaintiff, an unemployed teacher listed as "John Doe" in the federal complaint filed last Thursday, sought Medicaid coverage in July for a total hysterectomy his doctor had diagnosed as medically necessary to treat gender dysphoria. But Keystone First, Pennsylvania's largest Medicaid health plan, denied it and a judge upheld the denial on appeal, citing the state ban, according to the lawsuit.

While **Medicare** historically has excluded gender reassignment, the federal Health and Human Services department lifted that ban in May 2014, leaving decisions on transgender-related coverage to be made on a case-by-case basis. Only a few states, including New York, Oregon, Maryland, Massachusetts and Vermont, and Washington, D.C., have explicitly approved Medicaid coverage for transgender-related medical treatment.

Then last month, HHS ordered a privately run Medicare plan to cover gender reassignment surgery for a Texas transgender woman. The order isn't legally binding on other cases, but transgender activists hope it will help persuade more states to make Medicaid cover transgender treatments.

Transgender advocates already have one high-powered ally: Gov. **Tom Wolf**.

"The Pennsylvania Code precludes coverage through Medicaid for gender confirmation medical care and surgical procedures. Gov. Wolf believes this is wrong," Wolf spokesman Jeffrey Sheridan said in a prepared statement. "Pennsylvania should not discriminate against any individual based on sexual

orientation and gender identity and expression. The governor hopes to have a robust conversation with the Legislature, community and all other parties regarding this issue to move the commonwealth forward."

Attorney Julie Chovanes filed the lawsuit for John Doe.

"This would be a victory for the neediest people in the state," Chovanes said. "It's so exciting because there are thousands of people who could possibly get relief from gender dysphoria because of this single case."

Pennsylvania's \$23 billion Medicaid program is one of the largest in the nation, behind just California, New York and Texas, according to the Henry J. Kaiser Family Foundation. The state Department of Public Welfare estimates that 2.2 million Pennsylvanians receive Medicaid. It's unclear how much expanding coverage for transgender-related treatments would cost.

State Rep. Mark Cohen, D-Philadelphia, has proposed legislation to mandate coverage for transgender-related procedures and medications. But that bill has been stalled in a House committee since the spring.

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