Transgender Legal Defense & Education Fund

Working for Transgender Equal Rights

TLDEF Advocacy Brings Changes to Blue Cross Blue Shield of NC Coverage of Gender-Affirming Health Care

Blue Cross NC to cover facial feminization surgery and voice therapy for transgender women under revised policy

(DURHAM, NC - July 13, 2021) - Today, the Transgender Legal Defense & Education Fund (TLDEF), Equality North Carolina, and the LGBTQ Center of Durham announced that following advocacy on behalf of two transgender women living in North Carolina and two North Carolina-based employers—Equality North Carolina and the LGBTQ Center of Durham—Blue Cross Blue Shield of North Carolina (Blue Cross NC) has changed its policies to include coverage for gender-affirming facial surgery and voice therapy as medically necessary care.

"Knowing that care may be within reach has me hopeful that my life might finally move past transitioning. I might finally be able to exist fully as myself," said Kathryn Vandegrift, a transgender woman who is insured by Blue Cross NC. "Transgender healthcare is healthcare, and healthcare is a human right. No one should be denied the medical treatment they need."

Blue Cross NC had rejected pre-service authorizations for Ms. Vandegrift and another transgender woman named Lauren (who asked that her last name be withheld to maintain her privacy) to get the gender-affirming facial surgeries they require, due to a policy of categorically denying such requests. Following negotiations with TLDEF and its co-counsel, the health insurer has updated its policies and now recognizes such surgeries to be medically necessary. This aligns with the World Professional Association for Transgender Health's *Standards of Care*. WPATH recognizes that surgical interventions affecting secondary sex characteristics are often of greater practical significance in a transgender person's daily life than other gender-affirming surgeries.

"Across the country, health insurance companies are increasingly recognizing the need to end systemic denials of lifesaving gender-affirming health care for transgender people," said Noah Lewis, Trans Health Project Director, TLDEF. "We are pleased that Blue Cross Blue Shield of North Carolina has revised its medical policy to acknowledge that facial surgery is medically necessary when used to alleviate gender dysphoria in transgender people."

Blue Cross NC is the latest in a series of health insurance carriers that have updated policies to cover gender-affirming care for transgender people nationwide. In January 2021, Aetna announced with TLDEF and national civil rights law firm Cohen Milstein Sellers & Toll that Aetna had expanded coverage of gender-affirming surgery to include breast augmentation for transfeminine members in most of its commercial plans. In May 2021, Anthem updated its coverage to include breast augmentation, facial surgeries, and voice surgery. Additionally, the Connecticut Commission on Human Rights and Opportunities has found that Cigna's policy of excluding coverage for facial reassignment surgeries was unlawful discrimination. Similarly, in 2020, a county in Oregon and Regence BlueCross BlueShield of Oregon settled a lawsuit for denying coverage for facial surgeries in the Clatsop County employee health plan. And in May, the U.S. Department of Health and Human Services announced that the Office for Civil Rights will again accept complaints from transgender people who have experienced discrimination in health care.

"Not being able to have the surgery I need has affected every aspect of my life—from my mental and physical health to my professional life, everything has suffered. Without this coverage, which I am already paying for, I would not be able to afford the surgery that I need. I am so happy to know that I can finally start making plans for a brighter future for myself," said Lauren.

In addition to the two health plan members, TLDEF represented the LGBTQ Center of Durham and Equality North Carolina, both organizations that advocate for the rights of transgender people and employers that seek to provide their employees with coverage that does not discriminate against transgender people.

"At a time where transgender youth are under attack all across this country, Equality NC is thrilled to see Blue Cross Blue Shield take this proactive step towards offering gender-affirming care to its clients. Access to equitable healthcare is a lifesaving resource for trans and gender-nonconforming individuals, particularly Black and Brown trans women who've already faced a long history of hostility in North Carolina. We hope that this standard of gender-affirming care becomes industry-wide as the healthcare system catches up with the lived realities of the transgender community," said Kendra R. Johnson, Equality NC Executive Director.

"Gender-affirming health care has enormous impacts on a person's happiness, joy, and longevity," said J. Clapp, Executive Director of the LGBTQ Center of Durham. "As an agency, I want to make sure that everyone on my team can thrive. That is why we needed to be sure to provide all of our staff members with access to the health care they need, including our transgender and non-binary employees."

TLDEF, along with co-counsel Lambda Legal, is currently suing the state of North Carolina for denying gender affirming health care to its employees through the North Carolina State Health Plan (NCSHP). The plan categorically excludes coverage for gender-confirming health care. TLDEF and Lambda Legal represent several current and former state employees and their children who were denied coverage for medically necessary health care because they are transgender. TLDEF is also suing in Georgia on behalf of Anna Lange, a Sheriff's Deputy who is being denied gender-affirming health care through her employer-based plan, despite having served the public as an employee of the state for more than a decade.

The 2018 LGBTQ Southern Survey found that "a higher percentage of transgender and other gender respondents reported poorer health compared to non-transgender men and women respondents… Transgender respondents had lower rates of insurance compared to other genders… [And] One third of all respondents reported some form of discrimination when trying to access healthcare services because of their transgender status in the past 12 months, with nearly half choosing to avoid treatment."

TLDEF worked with co-counsel including the Duke Law Health Justice Clinic, Pillsbury Winthrop Shaw Pittman LLP, and Harris, Wiltshire & Grannis LLP.

About the organizations:

Transgender Legal Defense & Education Fund *is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, and public policy efforts. To learn more about TLDEF's work, visit* ***tldef.org****.*

Equality North Carolina *builds LGBTQ+ power through advocacy, education, and uplifting the stories of queer and trans North Carolinians in pursuit of racial and social justice.* ***equalitync.org***

LGBTQ Center of Durham *is committed to serving the City and County of Durham as well as the surrounding counties to ensure all folks have the resources necessary to live full, joyful lives. We provide space and resources to all people.* ***lgbtqcenterofdurham.org/***

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