

Health and LGBTQ Legal Advocates to Florida: Gender-Affirming Care Is Safe, Effective and Essential; Transgender Floridians Cannot Be Erased

“Should AHCA follow through on its clear intent to engage in a sham rule-making charade ... we stand ready to defend the rights of transgender people in Florida.”

Media Contacts:

Simone Chriss, J.D.
Southern Legal Counsel
Director, Transgender Rights Initiative
simone.chriss@southernlegal.org
352-271-8890

Alison Yager, J.D.
Florida Health Justice Project
Executive Director
yager@floridahealthjustice.org
646-322-8111

(Miami, FL, June 3, 2022) – Southern Legal Counsel, Florida Health Justice Project, Lambda Legal, and National Health Law Program today issued the following statement in response to yesterday’s announcement from the Florida Agency for Health Care Administration (AHCA), which oversees Florida’s Medicaid Program, that it will start a rule-making process concerning Medicaid coverage for gender-affirming health care:

“Yesterday, the Florida Agency for Health Care Administration under Governor DeSantis’s administration announced its intent to begin rulemaking to deny Medicaid coverage for what is widely acknowledged to be medically necessary care for gender dysphoria based on its own frivolous report purportedly reviewing the evidence base for the provision of such care. AHCA’s disingenuous report, however, draws on junk science and cites discredited so-called experts to justify denying Medicaid coverage for hormone therapy and other accepted medical interventions, as well as for gender-confirming surgery.

“Let us be clear. Notwithstanding AHCA’s deeply troubling announcement,

- AHCA’s intended rulemaking and report do not currently prevent any doctor in Florida from providing medically necessary and essential medical care to transgender patients;
- Private health insurance must still cover medically necessary gender-affirming care; and
- No finalized rulemaking has occurred, which we (and AHCA, admittedly) believe is necessary for such a sweeping change. Therefore, Florida Medicaid still provides coverage and reimbursement for medically necessary gender-affirming care.

“What AHCA announced yesterday was the beginning of a rule-making process. While AHCA seems to have predetermined the outcome and fabricated a report built upon misrepresentations and the views of discredited so-called “experts,” the rulemaking process still must take place.

“We intend to take robust part in the rulemaking process and to provide critical input concerning the broad medical and scientific consensus regarding the necessity, safety, and efficacy of providing appropriate and comprehensive care to transgender people, especially transgender youth. It has been an incredibly stressful year for transgender youth nationwide and it is unspeakably cruel for AHCA to exacerbate that harm with yesterday’s announcement. Should AHCA follow through on its clear intent to engage in a sham rulemaking charade, rather than conduct a robust and substantive process that incorporates valid science and is not predetermined, we stand ready to defend the rights of transgender people in Florida, including the right to nondiscriminatory health care coverage. The lives, health, and wellbeing of transgender Floridians are at stake.

“We urge any person who has been denied coverage for gender-affirming health care under Florida’s Medicaid program to contact us, including by reaching out to Southern Legal Counsel’s Transgender Rights Initiative at: simone.chriss@southernlegal.org.”

This past April, legal and medical experts from Yale Law School, the Yale School of Medicine’s Child Study Center and Departments of Psychiatry and Pediatrics, and the University of Texas Southwestern issued an in-depth report debunking the misleading claims upon which AHCA’s report is based. The report, “Biased Science: The Texas and Alabama Measures Criminalizing Medical Treatment for Transgender Children and Adolescents Rely on Inaccurate and Misleading Scientific Statements,” is available [here](#).

Courts have recently enjoined as likely unconstitutional the attempts by Alabama and Arkansas to prohibit medically necessary gender-affirming medical care for transgender youth, and a court in Texas has stopped the investigation based on the Texas Governor’s unlawful directive deeming the provision of such necessary and essential care to be child abuse.

Dr. Quentin Van Meter, one of AHCA’s so-called “experts,” was found by a court in Texas to not be qualified as an expert on the “question of whether an adolescent transgender child should be administered puberty blockers and whether affirmation of an incongruent gender in a child is harmful or not.”

Similarly, just last month, the testimony of Dr. James Cantor, another of AHCA’s so-called “experts,” was given “very little weight” by a federal court in Alabama “regarding the treatment of gender dysphoria in minors” because Dr. Cantor had never provided care to a transgender minor under the age of sixteen; had never diagnosed a child or adolescent with gender dysphoria; had never treated a child or adolescent for gender dysphoria; and had no personal experience monitoring patients receiving transitioning medications.

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Southern Legal Counsel (SLC) is a Florida statewide not-for-profit public interest law firm that is committed to the ideal of equal justice for all and the attainment of basic human and civil rights. SLC’s Transgender Rights Initiative protects the rights of Florida’s LGBTQ+ community through federal impact litigation, policy advocacy, and individual representation. www.southernlegal.org

Florida Health Justice Project engages in comprehensive advocacy to expand health care access and promote health equity for marginalized and vulnerable Floridians. www.floridahealthjustice.org

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people, and everyone living with HIV through impact litigation, education, and policy work. www.lambdalegal.org

The National Health Law Program is a non-profit law firm dedicated to protecting and advancing health rights of low-income and underserved individuals and families. www.healthlaw.org