



## HCA Hearing on General Medicaid Policy Rule

July 2022

The purpose of the amendment to Rule 59G-1.050 – General Medicaid Policy – is to update covered Medicaid services for gender dysphoria. The rule specifies covered services and clarifies definitions.

### Cabinet

- Cole Gearing – Program Administrator in AHCA Medicaid Policy Bureau
- Jason Weida – Asst. Deputy Secretary for Medicaid Policy Bureau
- Matt Brackett – Program Consultant in AHCA Medicaid Policy Bureau
- Sheena Grant – Chief Counsel and Rules Coordinator in AHCA General Counsel Office
- Mohammad Jazil and Gary Perko of Holtzman and Vogel Law Firm – AHCA Outside Counsel
- Dr. Andre Van Mol – Board-certified family physician
- Dr. Quentin Van Meter – Board-certified pediatric endocrinologist
- Dr. Miriam Grossman – Board-certified child, adolescent, and adult psychiatrist

### Key Points:

- April 20, 2022 – FDOH issued guidance on the treatment of gender dysphoria in children and adolescents
- Secretary Simone Marstiller requested the division of Medicaid to determine what treatments are consistent with the process described in Florida Administrative Code 59G-1.035 with generally accepted professional medical standards
- As a result, Subsection 7 would be added to Rule 59G-1.050 to AHCA's general Medicaid policy
  - Subsection 7a provides that the Florida Medicaid program does not cover, and therefore, will not reimburse for the following services for the treatment of gender dysphoria:
    1. Puberty Blockers
    2. Hormones and Hormone Antagonists
    3. Sex Assignment Surgeries
    4. Any other procedures that alter primary or secondary sexual characteristics
  - Subsection 7b provides that for the purposes of determining medical necessity, including the early public screening of diagnosis of treatment, the services listed in Subsection 7a do not meet the definition of medical necessity in accordance with Rule 59G-1.104 Florida Administrative Code
- Rule 59G-1.035 identifies specific factors for determining guidelines that are covered by the Florida Medicaid program including:
  - Evidence-based clinical practice guidelines
  - Published reports and articles in the authoritative medical and scientific literature related to health services

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- Effectiveness of the health service in improving the individual's prognosis or health outcomes
- Utilization trends
- Coverage policies by other credible insurance payor services
- Recommendations or assessments by clinical or technical experts on the subject or field
- Cabinet's determination in the case and its report were published on AHCA's website on June 2, 2022
  - Document explains that the Florida Medicaid program determines that the effectiveness of the services listed above are "low to very low quality" and insufficient to demonstrate that such treatments conform with the guidelines set forth with Rule 59G-1.035
  - Florida Medicaid program determined that the specific services will not be covered

### **Comments:**

Each speaker was allotted two minutes of speaking time. The speakers are listed below in the order in which they spoke. Those individuals whose names were inaudible are represented by "NAME." Those in favor of Rule 59G-1.050 are highlighted in blue while those opposed are highlighted in violet.

#### ● Chloe Cole

- 17-year-old detransitioner from California
- Medically transitioned from ages 13-16
- Was taken to therapist to affirm "male identity"
- Took puberty blockers and injections
- Had a double mastectomy at age 14
- Experiencing many health complications

#### ● Sophia Galvin

- 22-year-old detransitioner
- Began transitioning at 18
- History of mental health
- Had a double mastectomy at age 19

#### ● NAME

- Without her consent:
  - 16-year-old daughter was injected with hormones
  - At 17, Medicaid paid surgeons to perform double mastectomy and hysterectomy as an outpatient
  - At 19, Medicaid paid for her to undergo a vaginoplasty
- Private insurance was bypassed

- Janette Cooper – Partners of Ethical Care
- Hannah Lambert
- Gerald Hustin – Christian Pastor
- Brady Hendricks
- Sabrina Clarksville
- Simone Christ – Director of the Transgender Rights Initiative at Southern Legal Counsel
- Dr. Matthew Benson – Board-certified pediatric endocrinologist
- Karen Schoen – Florida Citizens Alliance
- Bill Snyder
- NAME – Christian Family Coalition
- Richard Carlins
- Amber Hand
- Joan Hazen
- Leonard Lavon

- Pam Olsen
- John Harrison – Public Policy Director for Equality Florida
- Anthony Verdugo – Founder and Executive Director of the Christian Family Coalition
- NAME
- Michael Howeler – Professor and Chief of the Pediatric Neurology Division at University of Florida
- Robert Youells
- Keith Law – Florida SIDS Alliance
- Robert Roper
- Karl Charles – Senior Attorney with Atlanta, GA Office of Lambda Legal
- Ed Wilson
- Suzanne Zimmerman
- Judy Hollen
- Ezra Stone – Licensed Clinical Social Worker
- Peggy Joseph

- Jack Walton – Christian Family Coalition and Pastor
- Jose Button – Christian Family Coalition
- Bob Johnson
- Sandy West – Christian Family Coalition
- Gayle Carlin – Christian Family Coalition
- Dorothy Barron – Christian Family Coalition
- Troy Peterson – Christian Family Coalition and President of Warriors of Faith in Florida
- Janet Rath
- Harold Lower
- NAME – Pastor and Director of Protect Our Children Project
- Paul Aarons – Physician
- January Littlejohn – Licensed Mental Health Counselor
- Kendra Parris – Mental Health Attorney
- Nathan Bruemmer – Florida’s LGTBQ Consumer Advocate (Appointed by Commissioner of Agriculture Nikki Fried)

- NAME

- Dottie McPherson – Florida Federation of Republican Women

- Maria Calkins

- James Calkins

- NAME