

Noncovered Services Proposed Regulations 2020
Public Comments Received

DATE	FROM	COMMENT(S)	DHSS RESPONSE
03/13/2020	McBride, Gail	Please vote NO on funding for any support for transgender therapy.	DHCS thanks you for your comments.
03/13/2020	Reid, Tamara	I am completely against Medicaid funds to pay for any “treatment, therapy, surgery, or other procedures related to gender reassignment The state is in enough of a financial crisis and now we deal with this crap!	DHCS thanks you for your comments.
03/13/2020	Smith, Jesse	The vast majority of the resident citizens of Alaska are opposed to this proposal. Not only is it inappropriate to be providing unnecessary and expensive elective surgical procedures to people who are gender confused at a time when our state is in the middle of a fiscal crisis, where our PFDs are being stolen by the government in order to fund pet projects which legislators refuse to cut, but also the impending and looming reality of oil that is dropping to 20-30 dollars per barrel. Please recognize the wishes of Alaskans and refuse to fund this unwanted and unneeded program.	DHCS thanks you for your comments.
03/13/2020	Nettles, Terri	We have no business using public or state money to pay for hormone therapy for transgenders!! It is wrong to force this on all Alaskans!! If they want to be transgender they need to pay for it. Just like women have to pay for breast implants!	DHCS thanks you for your comments.
03/16/2020	Carr, Richard	I am totally against my tax money going to pay for people to undergo gender changes. I think this whole issue is group think motivated and pushed by the left media and is quite ridiculous. Where is common sense? If one is unhappy with one's gender perhaps a good talk with a spiritual counselor or psychologist would help to bring about the realization that there really is immutable issues that one is born with. Gosh, I would like to be 7 feet tall and be able to play in the NBA; however, that is not my lot in life. I am short and stout. I am fine with that and am happy. Should I demand that the hard working tax payers of my state finance some kind of ongoing medical help that would make me 7 feet tall? I do not think so. Also, don't we have an ongoing financial crisis in Juneau? Are you really considering expending funds for this kind of silliness which is not supported by the majority of the voters in Alaska? Thank about that please and use your logic to conclude that this is not a high priority in our state and vote against this.	DHCS thanks you for your comments.

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DATE	FROM	COMMENT(S)	DHSS RESPONSE
03/16/2020	Degerlund, Nils	I am writing to voice my concern that changes to regulations are being considered which would allow public funding of hormonal therapy and other non-surgical procedures related to transgender reassignment. If these changes are being considered as an effort to avoid lawsuits, I would prefer our public funding to go towards fighting the lawsuits rather than toward fostering physical, emotional and spiritual harm and confusion in our society. Please note that I am strongly AGAINST public funding for gender modification efforts of any sort.	DHCS thanks you for your comments.
03/16/2020	Bragiel, Mary Beth	My husband and I are against using our public funds for gender reassignment therapies. It is against our religious beliefs. Additionally, this is a very small portion of the public that is affected by this disorder, and public funding is already stretched to the limits. These funds should be spent on items for the common good, not for a very specific, minority population. It is not a matter of life and death, so should not have a priority for public spending.	DHCS thanks you for your comments.
03/16/2020	Jones, Grant	Since you are collecting public comments on this issue, please add me to the "staunchly opposed" list. I cannot support the use of public funds for transgender issues. This state is already grappling with spending limited resources, and there are far better ways to use public funds. In addition, the state would propose to use my money to fund something I would never consider supporting? No, thank you.	DHCS thanks you for your comments.
03/16/2020	Rauchenstein, Renamary	I am certain that you are aware of the of the questions around transgender changes. Many in the scientific community have labeled such treatments as child abuse. Others have ardently said that not nearly enough study has been done over this and great harm could be the result. The state of Alaska has no business paying for elective treatment in the first place, and none whatsoever making Alaskans pay for it. Our budget is out of control and adding new payments is unconscionable. Please reconsider any regulation changes that would add transgender treatments to our budget.	DHCS thanks you for your comments.

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DATE	FROM	COMMENT(S)	DHSS RESPONSE
03/18/2020	Poglitsh, Rudy	I write to strongly urge the state of Alaska NOT to go forward with changes to allow public funding of gender transition...Transgenderism is a vast and uncharted area chock-full of hazards for the individuals who undergo such procedures...To use taxpayer money to fund such hazardous surgeries is to court disaster for those who undergo the surgeries and for the state to risk the ire of Alaskan citizens upset that their money is being used to execute such controversial procedures. Trust in our governmental institutions will fall even farther-with good cause.	DHCS thanks you for your comments.
03/19/2020	Hall, Abby	I am emailing you to express my opposition to the idea of Medicaid offering transgender services to patients. Setting aside my moral convictions over the issue and looking more at the state's bottom line, the state can't afford it! I was a Medicaid recipient when I was pregnant with my first born many years ago, I appreciated the support and the financial help that I received. The system worked well for my husband and I, and shortly after my son was born we were back on our feet and no longer needed any sort of assistance. That's how the system is designed to work, assistance is there for those who need it when they need it but only for what they need. It may be a matter of opinion but nobody needs to change their gender. Even if those in charge think differently, Medicaid is there for a helping hand when it's needed not something that should be exploited at the taxpayers expense. Please say no!	DHCS thanks you for your comments.
03/19/2020	Wick, Marilyn	If a person born as one gender wishes to be the opposite gender biologically born with; let that person do so at their own discretion with their own monies/insurances. It, being choice for any person wishing gender reassignment, should not be paid by tax funded monies. If I were not satisfied with my physical body: too much, too little; I should not expect tax payer funding to pay for something I wish to change because of my personal dissatisfaction in what I was biologically born with. Tax payer monies should fund unwanted illnesses forced upon a person such as cancer. My stance; Absolutely no tax payer/state funding for gender reassignment surgeries.	DHCS thanks you for your comments.

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DATE	FROM	COMMENT(S)	DHSS RESPONSE
03/20/2020	McBroom, Jonathan	<p>I very strongly disagree with this idea of giving funds to transgender purposes. It is not going to be a wise use of the taxes that we pay as citizens of this state. If people wish to get procedures done, or take inhibitors or other things to change their gender, that is their decision, but I don't believe it is right to change how God has built the human body. I believe it would be irresponsible of the state to devote funds that everyone pays to as state residents to such a small populace that gets these things done. We can see here that there are detriments even to these procedures the state would like to fund. There is a higher chance of harm coming to these people as a result of these bodily changes, and if people should get hurt it would come back on the state as the ones promoting this. There's also the issue of children being convinced to do something that they may not even agree with, but they follow along because they don't realize the consequences of how that will affect them in the future, or they simply want to fit into society so they give in to the pressures that are put on them. Again, there is a very clear difference between men and women, and no matter how much a person wants to change that, you can never fully make the change over to another gender, because God has designed the body to work a certain way. It is dangerous to meddle in the very delicate balance of human anatomy, and we can definitely see the higher suicide rate in people who have done these procedures, whether as a result of being unhappy with their changes, or the chemical balances of their body being messed with. In the long run, I do not think that this will be beneficial for the state. As a Christian, I just do not support these procedures or the gender change ideology. I do not want the state funding to go towards this new regulation change.</p>	<p>DHCS thanks you for your comments.</p>
03/20/2020	McBroom, Jennifer	<p>I am deeply troubled by our state even considering changing our regulations to begin allowing public funding for transgender reassignment. I am AVIDLY against it. The changes and dangers it brings to men, women, boys, and girls is atrocious. My religious beliefs are completely against it. I also cannot bear the physical trauma that is caused when biologically changing ones God given DNA. I also think that our state will end paying much more in medical costs when we have to take care of the alternate issues that come from changing ones body biologically. Thank you for taking public remarks. I really hope that our state decides against adopting this new change.</p>	<p>DHCS thanks you for your comments.</p>

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DATE	FROM	COMMENT(S)	DHSS RESPONSE
04/04/2020	Hanson, Jennifer	I am a mother of two teenagers. We live in Valdez. I am against the proposed changes to allow coverage of nonsurgical gender altering procedures/drugs. I think this is a terrible idea. This is such a vulnerable population and the procedures done, especially during adolescents will have long term, irreversible effects. I believe that God created people in his image both male and female. God does not make mistakes. I believe the gender confusion issues should be treated as a mental illness instead of going to great length to change physical appearance. Teenage years are a time of growth, experimentation and finding self. By physically altering ourselves during this journey we are cutting short the process and not letting people work through their identity.	DHCS thanks you for your comments.
04/06/2020	Currey, Alyson for Planned Parenthood Votes Northwest and Hawaii	See attached letter	DHCS thanks you for your comments.

Ms. Susan Dunkin
Department of Health and Social Services
Division of Health Care Services
4501 Business Park Blvd., Building L
Anchorage, AK 99503

Re: Comments on proposed changes to 7 AAC 105.110 (services related to gender reassignment)

April 6th, 2020

Dear Ms. Dunkin,

On behalf of Planned Parenthood Votes Northwest and Hawaii (PPVNH), I write today to comment on the Alaska Department of Health & Social Services' proposed regulation to adopt changes to Title 7 of Alaska Administrative Code on Medicaid non-covered services (amending 7 AAC 105.110). While we strongly support Alaska's efforts to provide Medicaid coverage for non-surgical services related to gender reassignment ("gender-affirming care"), we are deeply concerned about Alaska's continued exclusion of coverage for gender-reassignment surgery ("gender-affirming surgery") and urge you to remove this medically unnecessary restriction on critical services.

As a leading provider of sexual and reproductive health care services in Alaska, PPVNH advocates for policies that positively impact all people's health and wellness. We believe everyone deserves high-quality, compassionate health care that is appropriate to a person's needs and concerns – no matter their gender identity, income, or insurance type.

This proposed regulation's exclusion of gender-affirming surgery from Medicaid coverage erects harmful barriers and limits access to necessary, lifesaving care. By denying this critical coverage, Alaska's Medicaid system will incur great costs related to mental health, substance abuse, suicide, and dangerous forms of self-medication or self-surgery. As such, we ask that DHSS revise this proposal to ensure transgender people in Alaska get the medical care they need to survive and thrive.

I. DHSS's continued exclusion of gender-affirming surgery creates additional harmful barriers to lifesaving, medically necessary health care for transgender people in Alaska.

Gender-affirming care, including gender-affirming surgery, is medically necessary care that should be covered by Alaska's Medicaid program. It is well-established medical consensus that surgical procedures are medically necessary – and even lifesaving – for treatment of gender dysphoria.¹ Without access to surgical care, transgender people may experience significant distress, debilitating depression, suicidality, and other related issues that can ravage health and strip one of the ability to function effectively in daily life.²

Without insurance coverage, transgender individuals frequently cannot obtain this medically necessary care. This lack of treatment increases the rate of mental health issues, substance abuse, and suicide. A

¹ Weeden, Kim. *Analysis finds a strong consensus on effectiveness of gender transition treatment*. Cornell Chronicle (2018, April), <https://news.cornell.edu/stories/2018/04/analysis-finds-strong-consensus-effectiveness-gender-transition-treatment>; American Medical Association, Policy H-185.927, Clarification of Medical Necessity for Treatment of Gender Dysphoria (2016), <https://policysearch.ama-assn.org/policyfinder/detail/gender%20dysphoria?uri=%2FAMADoc%2FHOD-185.927.xml>

² Agnes Gereben Schaefer et al., *Assessing the Implications of Allowing Transgender Personnel to Serve Openly*, RAND Corporation, 9 (2016), https://www.rand.org/pubs/research_reports/RR1530.html

staggering 41 percent of transgender people report attempting suicide compared to just 1.6 percent of the general population, in part due to a lack of access to gender-affirming care and surgical procedures.³ Lack of coverage for gender-affirming surgery also promotes dangerous forms of self-medication, for example, self-surgery or self-injection with unregulated silicone to change body shape.⁴ By refusing to cover gender-affirming surgery, Alaska’s Medicaid system will be forced to cover greater costs down to the road related to mental health, substance abuse, suicide attempts, and forms of self-medication or self-surgery.

Additionally, by singling out and excluding coverage only for transgender individuals, Alaska is denying transgender people their equal dignity by deeming their health care needs unnecessary and sending a deeply stigmatizing message to transgender communities. Negative health outcomes often occur as a result of the stressful environment created by stigmatization – the stress associated with a stigmatized environment causes increased cortisol production, elevated cardiometabolic risk, and, over time, can lead to hypertension, diabetes, anxiety, depression, suicidality, and substance abuse.⁵ Alaska’s health care system, including Medicaid, will be burdened with the additional costs of treating these secondary health consequences resulting from stigmatization.

While DHSS acknowledges that federal litigation demands that Medicaid must cover gender-affirming care, the proposed regulation fails to acknowledge that federal litigation also indicates that gender-affirming surgery is an essential part of gender-affirming care. Just recently, a U.S. District Court in Alaska overturned AlaskaCare’s blanket exclusion of gender-affirming surgery, determining that it was a “facially discriminatory policy” that could not stand.⁶ Indeed, as this litigation suggests, forcing transgender people to shoulder the burden of paying for care out-of-pocket amounts to discrimination and limits access to medically necessary care for transgender communities. If DHSS were to finalize the current proposed regulation, Alaska may be opening itself up to costly litigation over this continued Medicaid blanket exclusion, straining the state’s budget through additional costly legal challenges and further draining taxpayer dollars. It is deeply concerning that Alaska is continuing to push forward with this harmful policy without regard for the substantial legal concerns raised in Alaska litigation as well as those that have been identified in other states pursuing similar policies.

II. Transgender people in Alaska already face tremendous obstacles to accessing health care.

Despite the protections of the Affordable Care Act and other laws that prohibit discrimination in health care, transgender people already navigate severe barriers to health care and this proposed regulation will further compound those barriers. Transgender people experience high rates of discrimination, harassment, and assault in health care settings,⁷ and these rates are even higher for transgender people

³ Grant, Jamie M., Mottet, Lisa A., & Tanis, J. (2012), *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (p. 72), National Center for Transgender Equality, https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf

⁴ Nooshin Khobzi Rotondi et al., Nonprescribed Hormone Use and Self-Performed Surgeries: “Do-It-Yourself” Transitions in Transgender Communities in Ontario, Canada, *Am. Journal of Pub. Health* 11, 1835 (2013, Oct.); Tonia Poteat et al., Managing uncertainty: A grounded theory of stigma in transgender health care encounters, *Social Science & Medicine*, 23 (2013).

⁵ White Hughto et al., *Transgender Stigma and Health: A Critical Review of Stigma Determinants, Mechanisms, and Interventions*, *Social Science & Medicine*, 222 (2015, Dec.).

⁶ *Fletcher v. State of Alaska*, No. 1:18-CV-00007-HRH (2020, March), https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/fletcher_ak_20200306_order.pdf

⁷ James, S., Herman, J., Kankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016, December), *Report of the 2015 U.S. Transgender Survey* (pp. 96-97), National Center for Transgender Equality, <https://transequality.org/sites/default/files/docs/usts/USTS-Full->

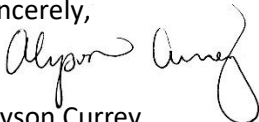
of color.⁸ As a result of this discrimination, harassment, and assault, many transgender people avoid seeking necessary, basic care. Fearing discrimination and disrespect from a provider, over one-third of transgender individuals – and nearly half of transgender men – report delaying or avoiding preventive health care.⁹ Those seeking sexual and reproductive health care also face great gaps in provider knowledge, as many providers assume transgender patients do not need basic preventive reproductive health services, such as pelvic exams or contraceptive counseling.¹⁰

Cost barriers also significantly limit transgender peoples' access to health care. Transgender people face significant employment discrimination, job loss, and underemployment and are therefore more likely to be uninsured, underinsured, or covered by public insurance, such as Medicaid.¹¹ It is estimated that 14 percent of transgender people in the United States are uninsured, and a staggering one-in-five transgender people of color are uninsured.¹² Lacking insurance, many transgender people delay or forego necessary care for fear of high out-of-pocket costs and medical bills – nearly half of transgender individuals report they postponed medical care because they were unable to afford accessing care when they were sick or injured.¹³ In the face of these disparities, Alaska's decision to exclude lifesaving gender-affirming surgery from Medicaid coverage will only serve to further limit transgender people's access to care and increase their financial strain.

By continuing this blanket exclusion for gender-affirming surgery, the proposed regulation will result in limited access to necessary care; attendant health problems and financial strain on transgender people; and additional costs to the state's Medicaid program. As such, we urge DHSS reconsider the current proposal, instead providing Medicaid coverage for medically necessary, lifesaving gender-affirming surgical procedures.

Thank you for the opportunity to comment, and please don't hesitate to contact us with any questions.

Sincerely,



Alyson Currey

Legislative Liaison

Planned Parenthood Votes Northwest & Hawaii

[Report-Dec17.pdf](#); Mirza, S., & Rooney, C. (2018, January), *Discrimination Prevents LGBTQ People from Accessing Health Care*, Center for American Progress, <https://www.americanprogress.org/issues/lgbt/news/2018/01/18/445130/discrimination-prevents-lgbtq-peopleaccessing-health-care/>

⁸ *Ibid.*

⁹ Grant et al., p. 76.

¹⁰ Shaaff, Bridget (2019, June), *Queering Reproductive Justice* (p. 6), National LGBTQ Task Force, <https://www.thetaskforce.org/wp-content/uploads/2017/03/Queering-Reproductive-Justice-A-Toolkit-FINAL.pdf>

¹¹ Brief of the American Medical Association, The American College of Physicians and 14 Additional medical, Mental Health and Health Care Organizations as *Amici Curiae*, R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission, No. 18-107 (2019), https://www.supremecourt.gov/DocketPDF/18/18-107/107178/20190703172653326_Amicus%20Brief.pdf

¹² James et al., p. 94.

¹³ Grant et al., p. 72.