

Trans Health Project

Working for Transgender Equal Rights

Alaska Medicaid Regulations and Guidance

Alaska Medicaid policy covers transgender-related health care.

Regulations:

7 AAC 105.130(a)(21)

Text:

"surgical procedures to alter a recipient's body to conform to recipient's gender identity" (effective July 25, 2021)

Decisions:

Court Decision: Being v. Crum, No. 3:19-cv-00060-HRH (D. Alaska filed Dec. 30, 2019) Summary:

Three transgender plaintiffs challenged Alaska's Medicaid exclusion under Section 1557 of the Patient Protection and Affordable Care Act, 42 U.S.C. § 18116; the comparability and availability requirements of the federal Medicaid Act, 42 U.S.C. §§ 1396a(a)(10)(A)-(B); and the Equal Protection Clause of the U.S. Constitution.

Pursuant to a <u>settlement agreement</u> reached in January 2021, Alaska <u>repealed the exclusion</u> and added affirmative coverage effective July 25, 2021.

Historical Notes:

7 Alaska Administrative Code 105.110(12) formerly excluded "treatment, therapy, surgery, or other procedures related to gender reassignment" and 7 Alaska Administrative Code 110.405(d)(5) formerly excluded "transsexual surgical procedures or secondary consequences."

In February 2020, the Department of Health & Social Services issued a <u>proposed rule</u> to allow coverage for non-surgical services (e.g., hormones and counseling), but retain the exclusion for all transgender-related surgeries. They received <u>public comments</u>.

The exclusions were repealed following the Being v. Crum settlement.

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