



Trans Health Project

Working for Transgender Equal Rights

New York Health Insurance Guidance

New York has explicit insurance guidance on transgender-related health care.

Regulations:

[11 NYCRR 52.72](#)

Summary:

"Discrimination because of sex shall include discrimination on the basis of pregnancy, false pregnancy, termination of pregnancy, or recovery therefrom, childbirth or related medical conditions, sex stereotyping, sexual orientation, gender identity or expression, and transgender status."

[11 NYCRR 52.75](#)

Bulletins and Announcements:

Guidance: [Insurance Circular Letter No. 7, Health Insurance Coverage for the Treatment of Gender Dysphoria \(2014\)](#)

Issued by: New York Department of Financial Services

Issued on: Dec. 11, 2014

Summary:

Noting that "[a]n issuer of a policy that includes coverage for mental health conditions may not exclude coverage for the diagnosis and treatment of gender dysphoria," and noting that Insurance Regulation 62 "prohibits an insurer from limiting coverage by type of illness, treatment, or medical condition. See 11 NYCRR § 52.16(c)."

The Letter also notes that categorical exclusions for treatments of gender dysphoria are unlawful under the following laws:

- Mental Health Parity and Addiction Equity Act of 2008
- N.Y. Civ. Serv. Law Article 11
- N.Y. Ins. Law §§ 3221 and 4303 and Article 49
- N.Y. Pub. Health Law Article 49
- Chapter 748 of the Laws of 2006, as amended by Chapter 502 of the Laws of 2007
- 45 C.F.R. § 146.136

Enforcement Actions:

[AG fines Emblem for insufficient coverage of gender-reassignment surgery](#)

Content last updated on Jul 8, 2020 - PDF generated from: <https://transhealthproject.org/resources/state-health-insurance-laws-and-guidance/new-york/> on .

If you find this helpful, please consider making a donation at <https://transgenderlegaldefense.networkforgood.com> to support our work.
