

Dear Mr. Plain,

My name is Jane Heenan, and I am licensed Marriage and Family Therapist in private practice since 2000, an instructor at CSN since 2001, and Director of the new local non-profit organization Gender Justice Nevada. I am an 18-year Nevada resident, earning my Master of Science degree in Marriage and Family Therapy from UNLV in 2000. I have been a long-time advocate for transgender equity in our state, pressing for legislative and regulatory change, making hundreds of educational presentations to a variety of different groups on transgender issues, and engaging with hundreds of transgender persons in therapy, activism, and other contexts. I am also transgender identified.

I am pleased to have the opportunity to comment on the design of Nevada's essential health benefits package. I want to draw the your attention to the need for a package that does not promote arbitrary discrimination against any condition or class of insured individuals and that ensures parity in coverage for medically necessary essential benefits across the ten statutory categories of coverage. In particular, I want to encourage the Exchange to ensure Nevada's benchmark does not discriminate against transgender Nevadans by incorporating arbitrary coverage exclusions specifically targeting the transgender population.

There are many reasons to support a plan which does not arbitrarily target transgender persons for unequal treatment.

First, sources - such as the Institute of Medicine, Healthy People 2020, and the National Healthcare Disparities Report from the Agency for Healthcare Research and Quality - report that transgender people, particularly transgender people of color, are more likely than the general U.S. population to be uninsured and face significant health and health care access disparities. These disparities include higher rates of conditions such as HIV/AIDS, substance use, and mental health concerns such as depression, anxiety, and suicide, as well as obstructed access to urgent and routine medical care.

Second, insurance discrimination against transgender people is rampant. These gaps in insurance coverage and financial resources for accessing care are linked to a range of discriminatory practices that insurance carriers

routinely employ against transgender consumers. These practices include but are not limited to: refusing to cover medically necessary treatments, including gender-specific treatments such as pap smears or prostate examinations, that are routinely covered for nontransgender people; and refusing to cover treatments related to gender transition even when the same treatments are covered for other conditions.

Insurance discrimination against transgender people is captured most clearly in transgender-specific exclusions: Many health insurance plans specifically target the transgender population for denial of coverage provided to other consumers. In some instances these exclusions apply only to surgical treatments while permitting coverage of mental health services and hormone therapy. In the majority of cases, however, the exclusions are sweeping-excluding, for example, coverage of any "services, drugs, or supplies related to sex transformation." I would tell you from my many years of experience in advocacy and support for transgender persons in Nevada that such health insurance exclusions are harmful, forcing persons already economically marginalized to pay out of pocket for care, and leading some persons to choose risky behaviors such as self-administration of hormones purchased illegally on the street.

Currently, I am unable to purchase any insurance as a transgender person who is self-employed. While I understand that under the Affordable Care Act I will finally be able to have health insurance, it is crucially important to me that my insurance cover all of my health care need and that my needs not be unfairly and unjustly excluded from coverage simply because I am transgender. I would also say that I am not alone in this experience among the estimated 25,000 to 50,000 Nevadans who are transgender.

Third, both the Affordable Care Act and Nevada state law support equal treatment for transgender people. The people of Nevada, through the actions of their elected representatives in the legislative and executive branches, spoke loudly and clearly in 2011 in support of transgender inclusion, passing fundamental civil rights for transgender Nevadans in the areas of employment,

public accommodations, and housing. These laws were passed with bipartisan support in both the Assembly and Senate, and were signed into law in public ceremonies by a Republican Governor. Enacting arbitrary exclusions denying equal access in health care to transgender persons in Nevada runs directly counter to the will of the people of our state as expressed by their elected representatives last year.

I urge the adoption of a plan which does not arbitrarily target transgender persons for unequal treatment. Transgender persons face significant health and health care access disparities. We have suffered rampant insurance discrimination for many many years. Federal and state law clearly support transgender inclusion. And, finally, the trend of reversing insurance discrimination against transgender people is growing. An increasing number of insurers are offering plans to large employers that do not include discriminatory exclusions targeting transgender individuals, and these employers have experienced minimal or no premium increases as a result. As part of ensuring that all Nevadans have equal access to the essential health benefits they need to stay healthy, the Exchange must affirm that the standard incorporates a fundamental principle of nondiscriminatory access to essential benefits for every eligible individual, including transgender people. I respectfully ask that you do the right thing for ALL nevadans and adopt a plan which does not exclude ANY Nevadan.

Jane Heenan
Las Vegas, NV