

Title: On the Battlefield: Advocating for Trans-Inclusive Healthcare Coverage

Description: As Affordable Care Act regulations remain under attack, transgender community members continue to face obstacles to obtaining coverage of medically-necessary healthcare under private and public health insurance policies. This panel will provide a review of common coverage issues under marketplace, Medicare, Medicaid, and employer-based plans, and discuss advocacy techniques. Issues include explicit exclusion of all transition-related healthcare, implicit exclusion through prohibitions on cosmetic services, and meeting diagnostic criteria for medical necessity. Practitioners will discuss preservation of rights in the administrative hearing context, strategic litigation, as well as the impact of pending federal court decisions on ongoing litigation. Finally, the panel will share the nuts and bolts of outreach initiatives aimed at supporting clients through the claims process. Audience members will also be invited to join an interactive discussion on other successful outreach efforts across the country. Come prepared to discuss what efforts have worked in your state, and learn what measures have been successful in others.

Panelists

Jay Kaplan has been the staff attorney for the ACLU of Michigan's LGBT Project since its founding in 2001. He has worked on cases including challenging undercover sting operations targeting gay men, fighting Michigan's constitutional amendment prohibiting same-sex couples from marrying, defending the validity of second parent adoptions granted in Michigan, and recently advocating for a transgender high school student to be able to run for prom court. Jay was honored with the 2006 Unsung Hero Award from the Michigan State Bar and the 2010 Virginia Uribe Civil Rights Award from the National Education Association (NEA).

Jay is a graduate of Wayne State Law School. For 13 years he worked for Michigan Protection and Advocacy Service (MPAS), a disability rights agency, where he founded a legal advocacy program for persons living with HIV/AIDS. He also worked for several legal services programs specializing in housing and family law issues.

Amy Nelson is the Director of Legal Services at Whitman-Walker Health in Washington, DC, a holistic community health center offering transgender, primary, and HIV healthcare; mental health and addiction services; dental care; medical case management; and free legal services. As the nation's oldest medical-legal partnership, WWH specializes in serving DC's queer and HIV communities by addressing health-harming legal needs to improve health outcomes. In 2017, WWH Legal Services assisted more than 3,000 legal clients on immigration, discrimination, name and gender changes, insurance, disability, medical privacy, elder law, and public benefits cases. Amy managed the creation of DC's first name and gender change legal clinic in 2012 which has served more than 900 clients to date. She teaches Public Interest Lawyering: Access

to Health Care at Georgetown University Law Center. In 2014, Amy was recognized as a “Shero of the Movement” by the DC Mayor's Office of LGBTQ Affairs and honored with Capital TransPride’s Engendered Spirit award. Like most Texans, she is proud to be a native, but is even prouder to call DC home for 20 years and to recognize DC’s national leadership in health care reform and LGBTQ inclusivity.

Noah E. Lewis, Esq. is the founder and executive director of Transcend Legal, a national, New York City-based organization focused on eliminating barriers to insurance coverage for transgender-related health care. Noah is the Chair of the NYC Bar Association’s LGBT Rights Committee and is a past recipient of the Committee’s Arthur S. Leonard Award recognizing compelling commitment to LGBT equality through the law. Noah previously worked for the Transgender Law Center, the National LGBTQ Task Force, and served as the staff attorney at Transgender Legal Defense & Education Fund for five years. A native of Pittsburgh, Pennsylvania, Noah is a graduate of the University of Pittsburgh and was the first openly transgender student to graduate from Harvard Law School.

Liza Thantranon is a Managing Attorney and the Regional Counsel for Health at Legal Services of Northern California, a non-profit legal aid organization providing free civil legal services to poor and underserved communities in 23 northern California counties. She began her legal career in LSNC’s Butte Regional office advocating for low-income people in the areas of public benefits, housing, employment, clean slate, and education law. In 2012, Liza joined LSNC’s Health team. Liza’s work includes direct legal services to health consumers in 32 northern California counties, community education, impact litigation, and policy advocacy on health care issues such as health reform implementation, provider network adequacy in rural areas, and access to health care services for transgender individuals. Liza oversees LSNC’s medical-legal partnership with the Gender Health Center, which works to expand access to health care and improve health outcomes for transgender and gender non-conforming individuals.

Kerene Moore (Moderator) is currently a supervising attorney for Legal Services of South Central Michigan, a division of the Michigan Advocacy Program. She has represented underserved Michigan residents in civil legal matters for the past ten years. Kerene graduated with honors from the University of Michigan where she earned a Bachelor of Arts and Juris Doctor degree, and was honored as a Deans Public Service Fellow. Throughout her career, Kerene continues to advocate for members of marginalized groups, including undocumented immigrants, disabled persons, survivors of domestic violence, and LGBTQ community members. Due to her strong advocacy on LGBT issues, she was honored as one of the Best LGBT Attorneys Under 40 by the LGBT Bar Association (2016), awarded an Honorary Lavender Degree by the University of Michigan (2017), and granted the Kevin E. Kennedy Pro Bono

Award by the Outlaws at Michigan Law School (2017). Kerene serves as a board member for Equality Michigan, on the Executive Committee of the Jim Toy Community Center, and Co-Chair of the Washtenaw County Bar Association's LGBT Rights section. She also serves as supervising attorney of the LGBTQ Know Your Rights Project, a law student-driven pro bono project that targets LGBT community members in southeastern Michigan.

Materials:

- Evolution and Current State of Health Insurance Coverage for Transgender Care, Whitman-Walker Health (revised 4/20/2018). PDF at 1.
- Health Insurance Coverage for Gender-Confirming Care, Whitman-Walker Health (Handout) (revised 4/20/2018). PDF at 5.
- ACLU of Michigan, Pro Se Health Insurance Appeals Guide for Trans-related Coverage [Draft]. PDF at 8.
- Franciscan Alliance, Inc v Burwell, 227 F Supp 3d 660 (ND Tex, 2016). PDF at 33.
- Franciscan All., Inc. v Price, 2017 U.S. Dist. LEXIS 145416 (N.D. Tex. July 10, 2017). PDF at 33.
- Cruz v Zucker, 195 F Supp 3d 554 (SDNY, 2016). PDF at 60.
- Cruz v Zucker, 218 F Supp 3d 246 (SDNY, 2016). PDF at 85.
- Davis v. Shah, 821 f3d. 231, 258 (2d Cir. 2016). PDF at 88.
- Bd. Of Educ. v. U.S. Dep't of Educ., 208 F. Supp. 3d 850 (S.D. Ohio 2016). PDF at 127.
- Rumble v Fairview Health Servs, ___F Supp 3d___; 2017 U.S. Dist. LEXIS 13316 (D Minn, Jan. 30, 2017). PDF at 151.
- Sample State of Michigan Circuit Court Appeal from Administrative Hearing. PDF at 156.