

# Executive Summary: Health Impact Review of SB 5313

## SB 5313, Concerning health insurance discrimination (2021 Legislative Session)

Evidence indicates that SB 5313 has the potential to decrease adverse benefit determinations and blanket exclusions for medically necessary gender affirming treatment, which could decrease denial of care, delay of care, and/or foregoing care; improve health outcomes; and decrease health inequities for transgender and gender diverse individuals. It is unclear how the bill would impact health inequities for transgender and gender diverse people enrolled in Apple Health plans.

### BILL INFORMATION

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**Sponsors:** Lias, Randall, Darneille, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Stanford, Van De Wege, Wilson, C.

#### Summary of Bill:

For health carriers providing coverage under an Apple Health (i.e., Medicaid) plan ([Chapter 74.09 RCW](#)); Public Employees Benefit Board (PEBB) plan or School Employees Benefit Board (SEBB) plan ([RCW 41.05.075](#)); or a plan offered on the Exchange ([Chapter 48.43 RCW](#)) issued or renewed on or after January 1, 2022:

- Establishes that it is an unfair practice for a health carrier to issue an adverse benefit determination for gender affirming treatments that are medically necessary, and states that these treatments may not be excluded as cosmetic.
  - Defines gender affirming treatment as a service prescribed to an individual to address the specific needs of that patient, to alleviate suffering, and/or address a condition related to an individual's protected gender identity characteristics and/or secondary sex characteristics more aligned with an individual's gender identity.
- Requires that healthcare providers with experience providing and delivering gender affirming care review insurance claims for gender affirming treatment.
  - Requires a health carrier that does not have an adequate network for gender affirming treatment to ensure access to treatment at no greater expense than if care had been provided by an in-network provider.

### HEALTH IMPACT REVIEW

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#### Summary of Findings:

This Health Impact Review found the following evidence for provisions in SB 5313:

- **Informed assumption** that prohibiting health carriers from denying medically necessary, gender affirming treatment prescribed to Two Spirit, transgender, nonbinary, and other gender diverse individuals will decrease adverse benefit determinations and blanket exclusions for treatments. This informed assumption is based on provisions in the bill and information from key informants.

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**BOARD OF HEALTH**

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Governor's Interagency Council  
on Health Disparities

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- **Unclear evidence** how current provisions of SB 5313 would impact Apple Health plans since provisions could impact federal funding available for the Medicaid program in Washington State.
- **Informed assumption** that decreasing adverse benefit determinations and blanket exclusions for medically necessary gender affirming treatment will decrease denial of care, delay of care, and/or foregoing care for treatments. This informed assumption is based on peer-reviewed published evidence and information shared by key informants.
- **Strong evidence** that decreasing denial of care, delay of care, and/or foregoing care for medically necessary gender affirming treatment will improve health outcomes for Two Spirit, transgender, nonbinary, and other gender diverse individuals.
- **Strong evidence** that improving health outcomes for Two Spirit, transgender, nonbinary, and other gender diverse individuals will decrease health inequities experienced by these individuals.
- **Unclear evidence** for how current provisions of SB 5313 would impact health inequities for transgender and gender diverse people enrolled in Apple Health plans since provisions could impact federal funding available for the Medicaid program in Washington State.

### FULL REVIEW

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For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full Health Impact Review at

<https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2021-06-SB5313..pdf>

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