

DAVID Y. IGE  
GOVERNOR  
  
SHAN S. TSUTSUI  
LT. GOVERNOR

**STATE OF HAWAII**  
**OFFICE OF THE DIRECTOR**  
**DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**  
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CATHERINE P. AWAKUNI COLÓN  
DIRECTOR  
  
JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Monday, February 1, 2016  
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2084 – RELATING TO INSURANCE.**

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner, testifying on behalf of  
the Department of Commerce and Consumer Affairs (“Department”).

The purpose of this bill is to prohibit health insurers, mutual benefit societies, and  
health maintenance organizations from discriminating against persons based on actual  
or perceived gender identity. The Department submits the following comments.

The national trend is to prohibit discrimination in health care coverage, services,  
and treatment on the basis of actual or perceived gender identity. In Hawaii, Article I,  
section 5 of the Hawaii State Constitution broadly prohibits discrimination because of  
race, religion, sex, or ancestry.

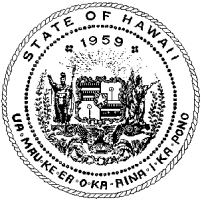
Furthermore, section 1557 of the Affordable Care Act (2010) is the first federal  
civil rights law to specifically prohibit discrimination on the basis of sex in health care.  
This section makes it unlawful for health care providers and insurers that receive any  
federal funding, including through the insurance marketplace exchange and health  
programs, to discriminate against an individual based on race, color, national origin,  
sex, age, or disability. The federal government is currently considering the adoption of  
regulations promulgated under section 1557, but has clearly signaled that health care

services related to gender transition, as well as services that are ordinarily or exclusively available to individuals of one sex must be covered when medically necessary.

Pursuant to sections 431:10A-105.5, 432:1-107, and 432D-28, Hawaii Revised Statutes (“HRS”), health insurers, mutual benefit societies, and health maintenance organizations must comply with applicable federal law. Despite laws, however, discrimination exists, and complaints have been made; for example, gender transition surgery is generally not a covered health care service in Hawaii.

Sections 2, 3 and 4 would prohibit denying, canceling, limiting, or refusing to issue or renew a policy or plan, denying or limiting coverage for a health insurance claim, or imposing additional cost sharing or other limitations or restrictions on access to covered health care services on the basis of actual or perceived gender identity. The Department recommends that these new sections be adopted to make clear that such discrimination is prohibited for the reasons set forth above.

We thank this Committee for the opportunity to present testimony on this matter.



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 1, 2016  
Rm. 325, 2:00 p.m.

To: The Honorable Angus McKelvey, Chair  
Members of the House Committee on Consumer Protection and Commerce

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

## Re: H.B. No. 2084

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.B. No. 2084, if enacted, will amend HRS chapter 431, article 10A (accident and health or sickness insurance), chapter 432, article 1 (mutual benefit societies), and chapter 432D (health maintenance organizations), to prohibit the denial, exclusion, or limitation of health care services or treatment on the basis of actual or perceived gender identity.

### **The HCRC supports H.B. No. 2084.**

The HCRC has a state civil rights law enforcement interest in eliminating discrimination in employment-based health benefit plans, with jurisdiction and authority to enforce Hawai‘i state fair employment law, which prohibits employers from discriminating on the basis of race, **sex, including gender identity or expression**, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or domestic violence or sexual violence victim status, in “compensation or in the terms, conditions, or privileges of employment.” HRS § 378-2(a)(1)(A).

It is a well-accepted fair employment law principle that an employer is legally responsible for

discriminatory fringe benefit plans offered by third parties whom the employer selects to provide a benefit plan for employees. Employers are ultimately responsible for discriminatory compensation, terms, conditions, and privileges of employment, regardless of whether third parties are also involved in the discrimination. *Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans, et al., v. Norris*, 463 U.S. 1073 (1983), 1089-1090.

The HCRC's jurisdiction covers employers, but health insurance providers are not within HCRC jurisdiction, except to the extent that there is aider and abettor liability under HRS chapter 378, part I. In addition, most but not all of Hawai'i residents who are covered by private health plans are covered by employment-based plans.

The statutory protections provided by H.B. No. 2084 are timely and appropriate, given the slow movement of health plan insurance carriers to voluntarily eliminate discriminatory coverage exclusions in the absence of express statutory prohibition, with continuing exclusions of health care services relating to "sex transformation," gender reassignment, and gender dysphoria.

In considering enactment of H.B. No. 2084, the Hawai'i Legislature joins an increasing number of states, including California, Colorado, Connecticut, Illinois, Massachusetts, New York, Oregon, Vermont, Washington State, and the District of Columbia, that have laws and policies protecting against discriminatory exclusions and denials of treatment based on gender identity in at least some circumstances.

The federal government is also currently acting to address the issue of discriminatory exclusions in health plans. The U.S. Department of Health and Human Services has issued a Notice of Proposed Rule on Nondiscrimination in Health Programs and Activities, which implements the nondiscrimination provisions of the Affordable Care Act, including proposed rules expressly prohibiting discrimination in health plans on the basis of sex, gender identity, or sexual orientation. Vol. 80, No. 173, Federal Register, September 8, 2015. The proposed rule expressly states that an explicit categorical exclusion of (employee health benefit plan) coverage for all health services related to gender transition is unlawful on its face. 80 FR 54190. (*see also*, fn. 93 on 80 FR 54191).

The HCRC urges your favorable consideration of H.B. No. 2084.

Testimony of  
John M. Kirimitsu  
Legal and Government Relations Consultant

Before:  
House Committee on Consumer Protection & Commerce  
The Honorable Angus L.K. McKelvey, Chair  
The Honorable Justin H. Woodson, Vice Chair

February 1, 2016  
2:00 pm  
Conference Room 325

**Re: HB 2084 Relating to Insurance**

Chair, Vice Chair and committee members, thank you for this opportunity to provide testimony on HB 2084 prohibiting discrimination of insurance coverage on the basis of gender identity.

**Kaiser Permanente supports this bill, but would like to offer technical amendments.**

It is well recognized that the Affordable Care Act and its implementing rules prohibit health plans from discriminating on the basis of sex, sexual orientation, and gender identity. Draft federal rules issued in 2015 for public comment, relating to transgender services, are in the process of being finalized. As Hawaii's largest HMO, Kaiser Permanente proudly provides culturally competent care to all of its patients, and supports parity in coverage without discriminating on any protected basis.

That being said, Kaiser Permanente is currently awaiting State approval of its 2017 benefit package, which removes all transgender re-assignment surgery exclusionary language. Currently, Kaiser Permanente offers transgender re-assignment surgery as an optional rider to large employer groups.

For your further consideration, we offer the following technical amendments:

1) All references to "individual **and** group accident and health or sickness policy, contract, plan or agreement" should be changed to "individual **or** group accident and health or sickness policy, contract, plan or agreement," since health plans sell individual plans OR group plans, but not combined individual AND group plans. Therefore, the following sections should be amended as follows:

- Page 1, lines 14-17, should read as follows:

14 §431:10- Non-discrimination on the basis of actual  
15 gender identity or perceived gender identity; coverage for  
16 services; definitions. (a) No individual ~~and~~ [or] group  
accident  
17 and health or sickness policy, contract, plan, or agreement that

- Page 3, lines 14-17, should read as follows:

13 (d) Any coverage provided shall be subject to copayment,  
15 deductible, and coinsurance provisions of an individual ~~and~~  
[or]  
16 group accident and health or sickness policy, contract, plan,  
or  
17 agreement that are no less favorable than the copayment,

- Page 5, lines 1-4, should read as follows:

1 §432:1- Non-discrimination on the basis of actual  
2 gender identity or perceived gender identity; coverage for  
3 services; definitions. (a) No individual ~~and~~ [or] group  
hospital  
4 and medical service policy, contract, plan, or agreement that

- Page 6, lines 18-20, should read as follows:

18 (d) Any coverage provided shall be subject to copayment,  
19 deductible, and coinsurance provisions of an individual ~~and~~  
[or]  
20 group hospital and medical service policy, contract, plan,  
or

2) Change the effective date from “effect upon its approval” to “January 1, 2017” to allow all health plans adequate time to implement this benefit change. As drafted, the provisions of the bill could apply to health plans with plan years commencing in 2016. Most, if not all, of the health plans have had their 2016 benefit packages approved by the State. In order to allow Kaiser Permanente, and other health plans, adequate time to implement this benefit change and to avoid confusion, Kaiser Permanente requests that this bill be revised to clarify that the provisions of this bill become effective for group or individual health, accident, or sickness plans, policies, or contracts with plan years commencing in 2017. Therefore, the following section should be amended as follows:

- Page 11, line 4, should read as follows:

4     SECTION 6. This Act shall take effect ~~upon its approval~~ [January 1, 2017].

Thank you for your consideration.



February 1, 2016

The Honorable Angus McKelvey, Chair  
House Committee on Consumer Protection and Commerce  
The Honorable Justin Woodson, Vice-Chair  
House Committee on Consumer Protection and Commerce

**Re: HB 2084 – Relating to Insurance**

Dear Chair McKelvey, Vice-Chair Woodson and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to offer comments on HB 2084, which seeks to prohibit health insurers, mutual benefit societies, and health maintenance organizations from discriminating with respect to participation and coverage under a policy, contract, plan, or agreement against any person on the basis of actual or perceived gender identity.

HMSA is certainly empathetic to the intent of this Bill and we recognize the considerable movement toward broadly expanding health care services to this population. To this point, in response to the Department of Health and Human Services ruling in 2014, HMSA created and currently offers a gender reassignment policy under our Federal 087 plan. However, we do have concerns with the current draft of HB 2084.

We would call the Committee's attention to subsection (b)(4)(A) which is unclear as to what services are and are not covered; is the intent to limit services to only those which are offered in other contexts other than gender transition? Further clarification is also needed with regard to the definition of "gender transition" and whether this covers services determined to be medically necessary versus those which may be classified as cosmetic; currently we do not cover services deemed cosmetic in nature. We also have concerns with whether the bill as written would limit any lifetime maximum for services associated with gender transition.

Additionally, any proposed expansion of benefits, especially one of this magnitude, which would extend to all lines of business requires significant investment of time and resources. We would therefore ask the Committee's consideration of amending the effective date should this measure move forward so that coverage would be available to plans renewing on or after January 1, 2017.

Thank you for allowing us to testify on HB 2084.

Sincerely,

Jennifer Diesman  
Vice President, Government Relations





Committee: Committee on Consumer Protection & Commerce  
Hearing Date/Time: Monday, February 1, 2016, 2:00 p.m.  
Place: Conference Room 325  
Re: Testimony of the ACLU of Hawaii in Support of H.B.2084, Relating to Insurance

Dear Chair McKelvey and Members of the Committee on Consumer Protection & Commerce:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of H.B. 2084, which prohibits discrimination in health insurance on the basis of gender identity or perceived gender identity.

Hawaii’s transgender community faces discrimination in healthcare

In Hawaii, most health insurance plans contain discriminatory blanket exclusions of benefits connected to “sex-transitioning.” Many of these plans cover the exact same treatment, such as hormone replacement therapy, for conditions unrelated to transitioning. This is discrimination, plain and simple. According to a 2011 study, 19% of transgender people report being denied access to medical services simply because they are transgender.<sup>1</sup> ACLU of Hawaii has received reports that health insurance plans in Hawaii are using these exclusions to deny coverage for services unrelated to transitioning, merely because the patient’s file notes that they are transgender.

This denial of medical services results in transgender people paying thousands of dollars out of pocket for the same services that are covered for cisgender (non-transgender) patients under the same insurance plan. This perpetuates the disproportionate rates of poverty experienced by the transgender community.<sup>2</sup>

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<sup>1</sup>Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, 72 (2011), [http://www.thetaskforce.org/static\\_html/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf).

<sup>2</sup> 15% of transgender survey respondents reported extreme poverty, with annual incomes of less than \$10,000, as compared to 4% of the overall population. Center for American Progress and Movement Advancement Project, *Paying an Unfair Price: The Financial Penalty for Being Transgender in America*, 3 (2015), <http://www.lgbtmap.org/file/paying-an-unfair-price-transgender.pdf>.

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

Transition-related services constitute medically necessary care

The same medical treatment excluded from coverage in most Hawaii health insurance plans has been consistently regarded as medically necessary care by the medical community and courts. In 2008, the American Medical Association passed a resolution recognizing “an established body of medical research” that “demonstrates the effectiveness and medical necessity of mental health care, hormone therapy, and sex reassignment surgery as forms of therapeutic treatment for many patients diagnosed with [Gender Dysphoria].”<sup>3</sup> Although not every transgender person has Gender Dysphoria, those who do often require treatment in the form of hormone therapy and/or surgery.

HB 2084 is in line with current state and federal policy

State law prohibits discrimination on the basis of gender identity in the areas of housing, employment, and public accommodations. This measure would be consistent with existing public policy and scientific data. Recently, the U.S. Department of Health and Human Services issued a proposed rule relating to Section 1557 of the Affordable Care Act (“ACA”), clarifying that health insurance plans with blanket exclusions of coverage for transition-related services violate the ACA.<sup>4</sup> Accordingly, Hawaii’s major health insurance providers will inevitably need to update their plans to comply with the ACA. This legislation is necessary, however, to protect the remaining patients under health insurance plans not covered by the ACA’s requirements.

Thank you for the opportunity to testify.

Sincerely,



Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

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<sup>3</sup> American Medical Association, Res. 122 A-08: Removing Financial Barriers to Care for Transgender Patients [http://www.tgender.net/taw/ama\\_resolutions.pdf](http://www.tgender.net/taw/ama_resolutions.pdf); See also <https://www.ama-assn.org/ssl3/ecom/PolicyFinderForm.pl?site=www.ama-assn.org&uri=/resources/html/PolicyFinder/policyfiles/HnE/H-185.950.HTM>.

<sup>4</sup> U.S. Department of Health and Human Services, 80 Fed. Reg. 75,487 (proposed December 02, 2015). <http://www.hhs.gov/civil-rights/for-individuals/section-1557/nondiscrimination-health-programs-and-activities-proposed-rule/index.html>.



29 January 2016

Chair Angus L.K. McKelvey  
Vice Chair Justin H. Woodson  
Committee on Consumer Protection & Commerce,  
House of Representatives  
State of Hawai'i  
Honolulu, HI

***House Bill 2084, Relating to Insurance  
Testifying in STRONG SUPPORT***

Dear Chair McKelvey, Vice Chair Woodson and Committee Members:

Thank you for the opportunity to submit testimony on behalf of this important bill. I write on behalf of Equality Hawai'i, the state's largest political, social justice and advocacy organization for the LGBT community and our allies, and wish to register our support for HB 2084, Relating to Insurance.

Today, more than 3 million transgender individuals are estimated to reside in the United States, and perhaps as many as 15,000 live in Hawai'i. These individuals face discrimination in their health care through transgender-specific exclusions included in some form in virtually all insurance policies offered by health insurance companies in Hawai'i. Gender identity discrimination occurs when individuals are denied equal access to health care and services. Thus, transgender individuals are excluded from health insurance coverage not based on lack of medical necessity of treatment, but based simply on their gender identity or perceived gender identity, and even though the same and similar care is covered for non-transgender policy holders.

A state law preventing these types of exclusions, for many, is a matter of life and death. Individuals who are prevented from obtaining healthcare to aid in transition face high rates of suicide, and a lack of even more generalized health care due to anti-transgender stigmas that are, in part, exacerbated by these types of discriminatory insurance policies. These discriminatory exclusions not only impact transition related services, they also prevent transgender individuals from obtaining treatment of what is generally considered common wellness care. We are also in favor of this legislation since, at its core, it discriminates against a vulnerable, under-served, often low socio-economic population, many of whom are unable to obtain any health care due to the lack of insurance coverage – and not just because they have no coverage, but because the coverage they do have includes these exclusions. Also, these discriminatory exclusions not only impact individual lives, but also the availability of care providers willing to serve this vulnerable population.



Leading medical and psychological authorities including the American Medical Association, American Psychiatric Association, American Academy of Family Physicians, National Association of Social Workers, World Professional Association for Transgender Health, National Commission on Correctional Health Care, American Public Health Association, and the American College of Obstetrician and Gynecologists all recognize the importance of transgender healthcare and preventing health care discrimination based on a person's gender identity or gender expression. In fact, the AMA has specifically passed a resolution geared at eliminating these types of discriminatory insurance policy barriers to health care coverage. Ensuring transgender healthcare obviously also reduces future health care costs faced by private insurers and the state in the long run.

It is exactly because of the interest in ensuring the availability of health care, that there is a current trend in other states to put in place policies preventing transgender health care exclusions – with 10 other jurisdictions including the District of Columbia already establishing such policies. This is clearly the trend, and it is rapidly gaining momentum.

In furtherance of the purpose and intent behind this bill, we respectfully request your consideration of the following amendment:

- Revision of section 431:10A(e) and section 432:1(e)1 to include “or sex organs” after “the person’s outward characteristics” in the definition of “Gender transition.”

The purpose of this, or a similar amendment, is to ensure that the new law does not inadvertently exclude medically necessary treatment of internal sex organs.

We are also willing to work with the insurance companies and all interested parties to ensure an easy transition. Transgender people and the transgender community are a strong, diverse and vibrant part of our Hawai'i ohana, and HB 2084 represents an exciting opportunity to make a real, positive difference in their lives. Justice deferred, as the time-honored maxim goes, is justice denied, and transgender people have been denied justice for far too long through a requirement that a growing number of states and professional associations say must be changed. We respectfully ask your support in delivering a measure of justice this session through voting for HB 2084.

Mahalo,

*Rebecca A. Copeland*

Rebecca Copeland  
Equality Hawai'i



January 29, 2016

House's Committee on Consumer Protection & Commerce  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, HI 96813

Hearing: Monday, February 1, 2016 – 2:00 p.m.

RE: **STRONG SUPPORT for House Bill 2084** – RELATING TO INSURANCE

Aloha Chairperson McKelvey, Vice Chair Woodson and fellow committee members,

I am writing in STRONG SUPPORT to House Bill 2084 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. HB 2084 will ensure that members of the transgender will be covered by their insurance plans for their health needs.

This bill is desperately needed as it is a matter of health and safety for the members of our transgender 'ohana. No one should be denied health coverage based on their gender identity or perceived gender identity. This is exactly what is happening right now here in the Aloha state. Insurance companies are denying health care coverage based solely on their gender identity and that is not showing Aloha by any stretch of the imagination.

Without this assurance of health insurance coverage members of Hawaii's transgender 'ohana are not receiving the medical care that they need. The medical needs for each person is unique and that is the same for transgender 'ohana members. We don't allow insurance companies deny coverage based on any other protected class except gender identity, we need to fix that and this bill will do just that.

This bill is also a matter of human decency - life is hard enough our government shouldn't make it harder by legalized discrimination against our transgender 'ohana – so please pass House Bill 2084, it is the right and moral thing to do.

We look forward to you passing this bill and bring another plank of our Party's into reality and in the process move our Founding Father's promise to form a more perfect union. Not passing this bill would be an injustice and as Dr. King told us: "Injustice ANYWHERE is threat to justice EVERYWHERE."

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair



Date: January 30, 2016

To: Hawaii State House of Representatives  
Hawaii State Senate

From: Dr. Samuel Hawk

RE: HB2084, Health Insurance Coverage

Position: Strong Support

Dear Representatives and Senators,

I'm presenting this testimony in strong support of HB2084, Health Insurance coverage.

I own a primary care practice (Hawk Health) in Honolulu and have been working as a primary care physician for the past 4 years. I'm also the founder and CEO of The Lavender Clinic (non-profit) that specializes in Transgender and LGBTQ services. At both my clinics, I teach medical students and post-graduate health education as an Adjunct Faculty with various health/medical schools. I treat people of all ages and backgrounds and military members (active duty, reserve, and veterans). I specialize in transgender health care and am currently the only clinic in the State of Hawaii, with exception of Kaiser, that offers transgender health services. However, I'm the only clinic that manages our transgender patients according to current medical standards for the treatment and health care of transgender individuals (World Professional Association for Transgender Health). I treat adults, adolescent and kids and work with other organizations and health professionals to provide complete medical treatment of transgender patients, behavioral services, support groups, school staff training, and documentation services.

The consequences to the transgender community of being discriminated against by the health care insurance field and thus by proxy the health care system and health care providers is profound and affects this community at all levels from our children and teens



to adults. Our transgender youth have the highest rate of suicidality than any other group - 40%. This is a community that needs our help. These are our children. These are our family members. I have patients who have not received any health care for 20+ years due to feeling unwanted and uncomfortable with seeking help in the medical community. I also have patients who refuse to have necessary life saving medical procedures done due to feeling uncomfortable and mistreated by the medical community. Since I opened my practice doors, I have found untreated and undiagnosed diabetes, hypertension, heart arrhythmias, parathyroid issues, etc. With any of these conditions left untreated or treatment is delayed, there is risk of irreversible consequences to the individual health including death.

This delay to treatment also greatly impacts health care as a whole with increased ER admissions, hospital admissions, and increased long-term care needs. Increased health care expenditures, health insurance premiums and increased demand for physician time, which is already overstrained, are consequences of discriminating against an entire community of people to receive equal treatment and access to our health care system.

The discrimination to the transgender community has even impacted health profession training. Medical schools do not teach transgender health, residency programs do not offer training in transgender health, and currently the only way for a health professional to receive training of this type is individually seeking out rotation sites and conferences. The first step in correcting the problem is equal access to health care for the transgender community.

Hindering individuals from transitioning physically and emotionally and having health care needs met can lead to poor grades, not graduating high school, not attending college, limited employment opportunities, limited means to support oneself, increased risk of homelessness, increased risk of drug use, and increased use of the welfare system all of which impacts all of us not just the transgender community. By eliminating this discrimination and creating full access to health care, we can empower this entire community which will improve the lives of all of us and our home - Hawaii.

Let us become a state that promotes and supports **all** our communities to make a better life for ourselves and our families and improve the world around us.

Passing HB2084 is vital to the transgender community and all our communities here in Hawaii.

Thank you so much for the opportunity to share my testimony with you.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Dr. Samuel Hawk', with a long horizontal flourish extending to the right.

Dr. Samuel Hawk

## **Dylan P. Armstrong**

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*February 1st, 2016*

Rep. Angus L.K. McKelvey, Chair  
Committee on Consumer Protection & Commerce (CPC)  
Conference Room 325  
State Capitol  
415 South Beretania Street

To the Honorable Chair McKelvey, Vice Chair Woodson, and Committee Members,

I support House Bill No. 2084. Simply stated, this bill does one thing. This bill makes sure that human beings are able to get health insurance, without arbitrary impediments, without becoming hostage to the whims of others. Either we have an equal society or we don't. This bill ensures that human equality is real, de jure, rather than imagined or feigned.

Some on the losing side of history would argue that passing this bill offends religious liberty. But the majority is not harmed if society safeguards the lives and health of the minority. Freedom imposes on no one besides the abuser.

We consider it essential to our form of government to acknowledge the citizen's right to life. Citizens excluded from health security cannot be free or equal. So the duty in passing this bill is not only moral, but also civil, for a democratic society in the 21st century.

The insurance industry holds power over life and death, and quality of life, therefore we have long regulated its powers. The actuary's personal opinions are not a valid basis from which to discriminate against any human being's ability to receive healthcare insurance.

Mahalo nui loa,  
Dylan P. Armstrong



From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, January 28, 2016 12:10 PM  
To: CPCtestimony  
Cc: braulick@gmail.com  
Subject: Submitted testimony for HB2084 on Feb 1, 2016 14:00PM

**HB2084**

Submitted on: 1/28/2016

Testimony for CPC on Feb 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Leo Braulick	Individual	Support	No

Comments: I am writing to express my strong support for HB2084. I am a 56 year old man who has lived in Hawaii for 13 years. I have been fortunate to have met and made friends with people in Hawaii who are transgender. I also have close friends my age on the mainland whose sons and daughters are transgender. Transgender people are citizens, members of families, and work across all fields of endeavor. They deserve the same access to healthcare as those of us who self-identify with our gender of birth. It is a simple matter of equity and fairness. I urge you to support HB2084. Thank you for your consideration. Sincerely, Nathan Leo Braulick / 4348 Waialae Avenue, #196, Honolulu, HI 96816

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Ross Sakonaka

810 Green St 8

Honolulu, HI 96813

I fully support HB2084.

From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, January 28, 2016 7:40 PM  
To: CPCtestimony  
Cc: mikegolojuch808@gmail.com  
Subject: Submitted testimony for HB2084 on Feb 1, 2016 14:00PM

**HB2084**

Submitted on: 1/28/2016

Testimony for CPC on Feb 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	Yes

Comments: I am in strong support of HB2084. All citizens need equal protection under the law. This measure helps ensure equality.

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From: mailinglist@capitol.hawaii.gov  
Sent: Friday, January 29, 2016 12:10 PM  
To: CPCtestimony  
Cc: trannymomma@gmail.com  
Subject: Submitted testimony for HB2084 on Feb 1, 2016 14:00PM

**HB2084**

Submitted on: 1/29/2016

Testimony for CPC on Feb 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carolina Lynn	Individual	Support	No

Comments: Our Transgender Community is often denied needed health care due to discrimination. We need this law for our protection.

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TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

HEARING: On Monday, February 1, 2016, at 2:00 p.m., in Conference Room 325

IN STRONG SUPPORT FOR HB 2084 RELATING TO INSURANCE

To: Rep. Angus L.K. McKelvey, Chair; Rep. Justin H. Woodson, Vice-Chair; and Committee Members

From: Josephine (Jo) Chang, LGBT parent support and community education

Aloha, Chair McKelvey, Vice Chair Woodson, and members of the Committee on Consumer Protection & Commerce. Although we have made much progress in providing legal rights and protections from discrimination for gays and lesbians, we have not done enough to also include and provide much needed protections and support for our transgender family members, friends, colleagues, and community members. While transgender persons experience discrimination in all areas of life, it is particularly harmful and life threatening when it is found in our health care systems and through health insurance - a critical necessity for all of us to even begin to try to access needed health care and services. And yet, health insurance has been and remains largely discriminatory towards transgender persons, and particularly by the widespread categorical exclusion of gender transition services – that threatens their very lives.

The continued discrimination and exclusions in health insurance ignores the support of major medical and mental health professional organizations in the U.S. for health care for transgender persons, including gender transition services. Examples of these organizations include the American Medical Association, American Psychiatric Association, American Psychological Association, and American Academy of Family Physicians, for the treatment of the diagnosis of gender dysphoria, in accordance with the Diagnostic and Statistical Manual of the American Psychiatric Association in determining medical necessity. See: [http://www.lambdalegal.org/publications/fs\\_professional-org-statements-supporting-trans-health](http://www.lambdalegal.org/publications/fs_professional-org-statements-supporting-trans-health) .

While economic impact is sometimes raised as a concern, other jurisdictions note that this is unfounded. For example, the State of California's department of insurance determined that prohibiting the kind of discrimination that HB 2084 would also address, "would have an insignificant and immaterial economic impact." See: "Economic Impact Assessment Gender Nondiscrimination in Health Insurance," State of California Department of Insurance, April 13, 2012; and "Why Gender Identity Nondiscrimination in Insurance Makes Sense," by Kellan Baker and Andrew Cray, May 2, 2013.

As a community and as a state, as well as a society, we should not allow discrimination and categorical exclusion from critical health care to continue in our state through insurance provisions and unwarranted insurance practices, to the great harm and sometimes loss of life of our transgender ohana. These are not strangers, these are part of our own families, and of our friends' families, throughout Hawaii. I ask your support for HB 2084 - it will make desperately needed services accessible to some of the most disadvantaged and vulnerable members of our communities. Thank you.

From: mailinglist@capitol.hawaii.gov  
Sent: Friday, January 29, 2016 10:08 PM  
To: CPCtestimony  
Cc: stephanie.f.mikhail@gmail.com  
Subject: Submitted testimony for HB2084 on Feb 1, 2016 14:00PM

**HB2084**

Submitted on: 1/29/2016

Testimony for CPC on Feb 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Mikhail	Individual	Support	No

Comments: I'm submitting testimony in STRONG SUPPORT of HB2084 and SB2666. As someone who has suffered this discrimination personally and for years was forced to pay out of pocket drug costs of nearly \$100/month despite being covered by good health insurance at the time which would have reduced the cost to \$5/month, I can only say that I wish this bill went further to require that insurers pay the relatively small cost (when you consider the number people accessing services) of gender transition related services. I've been a resident of Kalihi for over 5 years, and even when I worked for the State of Hawaii, I would have continued to suffer this discrimination from my employer-provided health insurance had I not already completed a legal gender change before commencing employment with the State. To continue to allow private insurance companies to perpetrate such discrimination causes hardship for a lot of people, and while not perpetrated by the government itself directly, this discrimination by private health insurance companies is an infringement on the rights of Transgender people to life and the pursuit of happiness. I'm happy and proud that Hawaii continues to be a leader among the States in advancing protection for Transgender rights. This is a logical step, and one which I strongly urge the legislature to take. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# A Place in the Middle

a strength-based campaign  
for gender diversity & inclusion



20 January 2016

To the Hawaii State House Committees on Consumer Protection & Commerce and Judiciary:

As the Director of a Hawaii-based, culturally-centered educational campaign aimed at making our communities safe and inclusive for all, I write in STRONG SUPPORT of HB2084.

This effort to prohibit health insurers, mutual benefit societies, and health maintenance organizations from discriminating with respect to participation and coverage under a policy, contract, plan, or agreement against any person on the basis of actual or perceived gender identity is very important.

Few groups confront as many barriers to healthcare as transgender patients. Trans individuals are frequently denied access to health services because of their gender identity or expression, and many report experiencing verbal and even physical harassment in medical offices and hospitals.

Those who are able to locate care often find that they cannot actually access services, due to a lack of insurance or financial resources. Even transgender patients with health insurance have difficulty obtaining care. This is particularly true if the care sought is for transition related purposes, since most policies exclude coverage for gender-confirming interventions and surgeries.

The transgender population's lack of access to care is all the more striking when considered alongside the group's elevated risk for a number of serious health problems. According to the Yale Journal of Health Policy, Law, and Ethics, for example, forty-one percent of transgender individuals have attempted suicide at some point in their lives. While the causes of suicide are complex, growing evidence links high rates of suicidality among transgender youth and adults in part to stigma and discrimination.

Leading medical and psychological authorities, including the American Medical Association, American Psychiatric Association, American Academy of Family Physicians, National Association of Social Workers, World Professional Association for Transgender Health, National Commission on Correctional Health Care, American Public Health Association, and the American College of Obstetrician and Gynecologists, recognize the importance of transgender healthcare and preventing health care discrimination based on a person's gender identify or gender expression. In fact, the AMA has specifically passed a resolution geared at eliminating these types of discriminatory insurance policy barriers to health care coverage.

It's time that Hawaii does the same.

Sincerely,

Joe Wilson

**A Place in the Middle Campaign**  
**58-125 Iwila Place, Haleiwa, HI 96712**

From: mailinglist@capitol.hawaii.gov  
Sent: Friday, January 29, 2016 10:59 PM  
To: CPCtestimony  
Cc: Visa4empress@gmail.com  
Subject: Submitted testimony for HB2084 on Feb 1, 2016 14:00PM

**HB2084**

Submitted on: 1/29/2016

Testimony for CPC on Feb 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shandon Castillo	Individual	Support	No

Comments: I've been living my life as a woman for 20 years. I'm a biological male. It's difficult to get the proper medical attention when there are limitations and gray areas because of my gender. I work full-time, pay my taxes and for medical coverage that I should be comfortably entitled to without question.

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, January 30, 2016 11:10 PM  
To: CPCtestimony  
Cc: jmadamsesq@gmail.com  
Subject: Submitted testimony for HB2084 on Feb 1, 2016 14:00PM

**HB2084**

Submitted on: 1/30/2016

Testimony for CPC on Feb 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jo-Ann M Adams	Individual	Support	No

Comments: When we passed the marriage equality bill, we knew that we had provided much greater legal protection for the LGBT community as a whole. However, we also realized that there were additional specific needs for the "T" community. This is one of those bills. Let's please incorporate the transgender among us as part of our rich diversity and restore them to the dignity they had as an integral part of the indigenous culture.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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January 31, 2016

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Rep. Angus L.K. McKelvey, Chair

Rep. Justin H. Woodson, Vice Chair

Hearing date: February 1, 2015

RE: Strong Support IN FAVOR of HB2084 Relating to Insurance

Dear Chair McKelvey and Vice-Chair Woodson,

I am writing to express my strong support of HB 2084 Relating to Insurance. I am an attorney on Maui with a solo law practice, but I am writing in my capacity as the mother of a 13-year-old transgender son, who was born female. My son is in the 8<sup>th</sup> grade at Maui Waena Intermediate School in Kahului.

My son told me about a year ago that he was transgender. He told me this after a year of him engaging in self-harm, including cutting and a debilitating eating disorder that required residential treatment on the mainland. Fortunately, things for my son are much better after getting treatment and because he is finally living as his true, authentic self.

I strongly support HB 2084 because it will ensure that my son and other transgender individuals in our community will not have to face discrimination in the health care industry. Access to health care is so fundamental to living a happy and

healthy life. This bill is a no brainer and it is unfortunate that it is necessary. No person should be denied access to health care because of who they are.

On behalf of my son, I urge you to vote in favor of HB 2084.

Sincerely,

/S/ KIRSTIN HAMMAN



Law Office of  
Rebecca A. Copeland  
LLC

January 31, 2016

Chair Angus L.K. McKelvey  
Vice Chair Justin H. Woodson  
Committee on Consumer Protection & Commerce,  
House of Representatives  
State of Hawai'i  
Honolulu, HI

***House Bill 2084, Relating to Insurance  
Testifying in STRONG SUPPORT***

Dear Chair McKelvey, Vice Chair Woodson and Committee Members:

I write in strong support of HB2084 RELATING TO INSURANCE, a bill being considered by this Committee on Monday, February 1, 2016. As you know, this bill would modify existing Hawaii law to prevent transgender-only exclusions on health insurance policies.

I am a local attorney. As a member of the Hawaii State Bar Association, I am in my second term on the Board of Directors for the HSBA as an Oahu Director. I also serve as a Board Member on the City and County of Honolulu's Zoning Board of Appeals, a position I have held for several years. I am also a Board Member on the Hawaii LGBT Legacy Foundation, and a member of the Hawaii Judiciary's Commission on Professionalism. I provide you with my professional background to let you know that in many ways I am just like you and your fellow legislators – a hard-working professional who cares for her community.

My testimony is not submitted in my official capacity for any of the above organizations, but in my personal capacity as a mother. I have two children, an elementary aged daughter and a high school aged son. My son is transgender.

We support my son's journey to live an authentic life – the one he was meant to lead but which may sometimes be difficult because our son was assigned female at birth. Part of our son's transition has been to obtain Hormone Replacement Therapy ("HRT"). Outside of the Kaiser network, there is currently only one physician who provides healthcare services for the transgender community, Dr. Sam Hawk. Dr. Hawk's office offers our son, and others like him, not only transition related services but also primary and behavioral health related services. Many, if not most, of the individuals who seek treatment for these much needed services either do not have insurance coverage, or their insurance policies exclude services based only on their

status as transgender. Services like HRT are not covered because of transgender-specific health insurance exclusions. But, just as important, primary maintenance services, like yearly well exams, are excluded if the person's identifying sex does not match what the insurance company considers a gender-specific service (for example, a transgender male seeking coverage for a pap smear). By making these type of exclusions illegal in Hawaii (something that is a growing trend across the country), this bill will make a real (and in many cases life saving) change for members of our community.

I believe it is also important for this body to note that as a form of institutional discrimination, outlawing transgender exclusions on Hawaii health insurance policies would be in accord with Hawaii's existing policy of preventing discrimination against transgender individuals. *E.g.*, Hawaii Revised Statutes ("HRS") § 489-3 (prohibiting discrimination in places of public accommodation based on either gender identity or expression); HRS § 378-2 (prohibiting discriminatory employment practices based on gender identity or expression); HRS § 515-3 (prohibiting discriminatory practices in real property transactions based on gender identity and expression).

As a parent of a transgender teen, an ally to the LGBT community, and a resident of this state, I support the ability of all transgender individuals in this state to live a full and authentic and healthy life.

Mahalo for your consideration of HB2084.

Sincerely,

A handwritten signature in dark ink that reads "Rebecca A. Copeland". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Rebecca A. Copeland  
Attorney, Wife, Mother, and Ally

## COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair

Rep. Justin H. Woodson, Vice Chair

Aloha House of Representatives Della Au Belatti, Tom Brower, Richard P. Creagan, Sharon E. Har, Mark J. Hashem, Derek S.K. Kawakami, Chris Lee, Mark M. Nakashima, Marcus R. Oshiro, Joy A. San Buenaventura, Gregg Takayama, Ryan I. Yamane, Beth Fukumoto Chang and Bob McDermott,

I strongly support HB2084 for many reasons. First of all, as a transgender man, I have personally experienced discrimination in the medical field first hand. In 2010 after attending church, I began to have an extreme reaction to something I ate after service. In a manner of minutes I was having difficulty breathing and realized I needed medical attention immediately. Since the hospital was over 20 minutes away and the Fire station was 5 minutes away, my finance drove me to the Pahoa Fire Station rather than waiting for an ambulance. At the time I did not have chest reconstruction surgery and was using a chest binder to feel more comfortable as a male. I took off the binder on way to station thinking that it would help my breathing, which it did not. When we arrived, the medics where initially helpful when my fiancé told the medics that he can't breath. After medics realized I was transgender, their attitudes abruptly changed and they refused treatment and transportation to the hospital. They were mocking us in there comments and behavior and stood around me in a circle and one medic told me to go get Benadryl as they don't have anything here to treat me with. It was made loud and clear to us that they were not going to help assist in any way what so ever so we were forced to seek medical assistance elsewhere. I knew I wasn't able to make it to the Hilo Hospital by that time and thank God, the clinic just down the road from the Pahoa Fire Station was still open. The staff there took me in immediately and said we needed to call 911 with the condition I was in. I said we just came from the fire station and they refused to treat me. The PA on call said if my breathing didn't improve with in 5 minutes that he would still have to call 911 anyway. He immediately began treatment I needed for anaphylactic shock and treated me with respect and care. I am so grateful for the staff at this medical clinic in Pahoa.

Too many people are often discriminated in the health care system based on gender identity and so many are often afraid to speak up and so many are left untreated. Having access to Health Care is a basic need for all people. Health Care providers, policies, contracts, plans, or agreements should not discriminate against any person based on gender identity or perceived gender identity.

I urge you all to do the right thing and support HB2084.

Mahalo,

Nakoa Kulani N. Nelson-Riley

## **Testimony in Strong Support of House Bill 2084**

Rep. Angus L.K. McKelvey, Chair  
Rep. Justin H. Woodson, Vice Chair

Dear House Committee on Consumer Protection & Commerce:

I am writing this testimony to voice my strong support of House Bill 2084, which protects the health care rights of transgender individuals. While some people may not fully understand what it means to be transgender or why/how someone transitions, the fact remains that all people deserve to be treated fairly and with human dignity, despite any differences of beliefs or opinion.

I have witnessed blatant discrimination in the medical field first hand when my fiancé and I went to seek emergency medical treatment for him. Once it was discovered that he was in transition from female to male, we were treated very harshly and it was frightening to realize that we were not going to be helped for a potentially life-threatening medical emergency. We were initially taken seriously and about to receive care until the medics realized that my fiancé is in transition from female to male (he had not undergone surgery at that point in time), and the abrupt change was quite frightening, especially when it was clear that the medics were no longer going to assist us. Fortunately, we were able to receive care from a clinic still open nearby and the Physician's Assistant wanted to call the ambulance, but we informed him that we had just come from the Fire Station and were turned away. He was in shock and disbelief, since my fiancé's situation was quite serious and in need of immediate treatment; he had gone into anaphylactic shock, was having great difficulty breathing, and was in danger of losing consciousness.

It was unthinkable that anyone could turn away someone in need of medical attention. I realized that when we went to the Pahoia Fire Station that we may receive some rude comments or mean looks, but I never in all my life imagined that we would be turned away for medical attention when in serious need of it. Having experienced this firsthand, I am aware that medical discrimination goes on at all levels and in subtler forms, but all of it because of a discrimination against transgender individuals.

Transgender persons have the intense life challenge of identifying and embracing their true gender identity. Most of us don't have to question if we are male or female; many of us are in agreement with the assignment given to us at birth. If you check with most obstetricians, however, making that gender determination at birth is not as easy as it would seem. In speaking with several doctors, determining gender at birth can be very challenging at times and there are more times than we know of when it is very difficult to determine. Since the male and female organs are actually from the same parts (and we all start out as female as a fetus, it can be easy to see how there can be variation. Gender is a complex combination of the brain, multiple hormones, DNA, and what shows up physically on the outside of the body at birth. Given the number of variables present, there will be multiple variations on the theme of gender.

Regardless of one's belief or understanding of gender identity and gender expression, it is imperative that we provide equal access to health care for all individuals.

We ask for your support for House Bill 2084 and I am in strong support.

Mahalo for your time and consideration.

Barbara Riley



Robert J. Bidwell, MD  
6264 Keokea Pl., Honolulu, Hi. 96825 Tel. 808-428-4545

Date: February 1, 2016  
Conference Room 325 (2:00 PM)  
State Capitol

To: Representative McKelvey, Chair  
Representative Woodson, Vice-Chair  
House Committee on Consumer Protection and Commerce

From: Robert J. Bidwell, M.D.

**Re: HB 2084 “Relating to Insurance”**

**Position: Strong Support**

Dear Chair McKelvey, Vice-Chair Woodson, and House Consumer Protection and  
Commerce Committee Members:

I am presenting this testimony in **strong support of HB 2084 “Relating to Insurance.”**

Over the past 25 years, through my position as Assistant Professor (1988-1994) and later Associate Professor of Pediatrics and Director of Adolescent Medicine at the UH John A. Burns School of Medicine, I have provided medical care and counseling to many of Hawai‘i’s youth and young adults, including transgender young people requiring care related to gender transition. Addressing issues of gender and gender identity, including the dramatically changing field of transition treatment, has also been an important part of my teaching of medical students, resident physicians-in-training, community physicians and other health and social service providers, both in Hawai‘i and the continental U.S. over the past 3 decades.

Throughout this period of time, my transgender patients consistently have been denied insurance coverage of medically necessary transition treatments prescribed by me, as also has been true for nearly all transgender patients seeking health care from other health providers across our state. The result has been that many of my patients have deferred these treatments, even though they represent the standard of care in the provision of transgender health services, or have paid for them out-of-pocket to the detriment of their personal and family financial situation. For example, some of my patients have put off going on to college or other life-enhancing post-high school plans because they were simply no longer able to afford them because of the cost of transition treatment. And over the years, too many of my patients have felt forced to consider pursuing ways of finding money that were self-harming in significant ways, such as engagement in street-life, simply in order to pay for medically-necessary treatments that were not covered by their insurance plans (assuming they were able to find insurance coverage at all).

The refusal of insurance companies to cover transgender individuals and the medically-necessary treatments prescribed by their physicians is a historical artifact of a time when transgender individuals were ignored and often pathologized by the medical profession, and disapproved of and discriminated against by the broader community.

This was as true in our islands as it was on the U.S. continent. This disapproving stance is out-dated and no longer reflects present-day medical opinion and policy related to the nature of transgenderism and the importance of access to health care by this population, including the essential part transition treatments play in the provision of that care. This refusal of coverage by insurance companies is rooted in an antiquated and uninformed misunderstanding of transgender people and their health care needs. This has caused significant and lasting harm to generations of transgender individuals in Hawai'i, as will be evidenced by the testimony presented for the Committee's hearing on HB 2084.

In contrast, the medical profession, through rigorous research and an increased openness to self-examination and willingness to listen to the voices of transgender patients, has advanced enormously in its understanding of the lives of transgender people and the health challenges and health care needs they face. It is for this reason that the medical profession now understands that transition health care is not experimental, cosmetic, elective or "optional" in any real meaning of that word. Research has demonstrated over and over again that access to appropriate health care, including transition care, is medically necessary for most transgender individuals, and significantly improves their physical, emotional and social well-being. This is no longer a debate within our profession. It is for these reasons that major medical professional organizations have developed policies vigorously supporting insurance coverage of transgender individuals, including the provision of medically-necessary transition care. Among these organizations are the American Medical Association (AMA), the American Psychiatric Association, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the World Professional Association for Transgender Health and others.

It is for the above reasons that, consistent with the position of the broader medical profession on these issues, I urge you to support HB 2084 "Relating to Insurance." It is vitally important to the health and well-being of my patients as well as the broader transgender community throughout our islands. My hope is that Hawai'i will join the growing number of states that are passing legislation consistent with AMA policy, which reflects mainstream opinion within the medical community.

Thank you so much for the opportunity to share my testimony with you.

Respectfully yours,

Robert J. Bidwell, MD

**LATE**

woodson2-Shingai

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, January 31, 2016 2:08 PM  
To: CPCtestimony  
Cc: laurie.field@ppvnh.org  
Subject: \*Submitted testimony for HB2084 on Feb 1, 2016 14:00PM\*

**HB2084**

Submitted on: 1/31/2016

Testimony for CPC on Feb 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

**Comments:**

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Testimony on HB2084 relating to health insurance for transgender individuals.  
BJ Avery 31 Jan 2016**

I have a hormone imbalance that requires me to receive injections of estrogen on a regular basis in order to maintain my physical health. My body does not produce either estrogen or testosterone on its own and as a result if I go without hormone treatment for an extended period of time, my health deteriorates dramatically and I am no longer to be healthy and active due to my body's lack of sufficient hormones. When I was unable to afford hormones for close to a year in 2013-14, my muscles deteriorated to the point that exercise was extremely difficult, in spite of having retained a regular exercise routine throughout the year my physical fitness deteriorated dramatically. I became unable to maintain my own body temperature and had hot and cold flashes several times a day. It became difficult to maintain an active energy level throughout the day and I had to drop many of my usual social activities as my health deteriorated. I was told by my doctor that my symptoms and hormone levels were similar to those experienced by many post-menopausal women, although I was only 25 years old at the time. When I receive sufficient dosages of hormones, I'm able to avoid this deterioration of health and live a happy, healthy, and active lifestyle.

In spite of this, when I first came to Hawaii I was extremely hesitant to approach this subject with my doctor. My body's inability to produce hormones on its own is a direct result of surgeries I received years ago in pursuit of a physical transition from my birth sex of male, to my current legal and social sex of female. Even though this transition was years in the past and my need for hormones now is purely to maintain my physical health, the insurance documents I received when I began my new coverage in Hawaii clearly stated that all health services related to gender transition were explicitly excluded from coverage. I investigated different options for health insurance, but all the options available to me through my employer or through the insurance marketplace all included this exclusion. Even though many people require and regularly receive hormone treatments for many different reasons, I knew that if my doctor did not want to cover my hormones they were well within their legal rights to deny my treatment simply because I am trans. My need to maintain my own physical health could easily have been painted as a treatment "related to gender transition" and denied. Even more than that, I feared that if my insurance provider knew I was trans, I could be denied for all sorts of other medical treatments at a whim.

I have thankfully been able to get the care I need, through a combination of working with my insurer for some of my health issues, and paying out-of-pocket for others. However, the kind of discrimination I feared remains perfectly legal. If my insurer decides that they do not want to treat me at all because I am a transgender woman, it is currently perfectly legal. If my insurer decides to stop paying for the blood tests that I use to measure my hormone levels, in the absence of new legislation they will be within their legal rights to do so even if my doctors believe the tests to be medically necessary. This bill won't force my insurer to pay for treatments that are specific to my needs as a trans woman, but it will make it illegal for them to deny me routine care that is available to everyone else. This will allow me to go to the doctor and share my medical history and medical needs without fear that I risk losing my coverage entirely.

Please consider passing HB2084 into law so that all of Hawai'i's residents can have equal access to medical treatments that are already being offered to non-transgender people, but can currently be denied to transgender individuals.