

As Open Enrollment Begins, TLDEF Settles Lawsuit with State of Georgia, Ending Exclusion of Transgender Health Care Coverage for Employees and Dependents

“Denying health care to people because they are transgender is not only clearly wrong – it is also clearly illegal. We strongly hope that this settlement sends a message – loud and clear – that employers must not deny transgender health care coverage to employees, and those who do will pay a high price for it.”



Today, the Transgender Legal Defense and Education Fund (TLDEF), along with co-counsel Bondurant Mixson & Ellmore LLP, announced a settlement in their lawsuit against the State of Georgia for denying coverage of transgender-related health care in the Georgia State Health Benefit Plan (SHBP), which covers more than half a million Georgians, including employees of state agencies and public school districts, and their family members. The changes are particularly timely, as open enrollment is currently underway for SHBP participants, who will need to assess whether plans will provide them with the health care coverage they need.

“I am thrilled to know that none of my trans colleagues will ever have to go through what I did,” said **Micha Rich (he/they), employee of a Georgia government agency and a plaintiff in the lawsuit.** “I hope this is a new day for my beloved state of Georgia in its treatment of trans and nonbinary people.”

The settlement ensures that members of the SHBP – employees of the State and their dependents – will now be able to access transgender health care beginning immediately. Additionally, the State will pay a financial settlement totaling \$365,000 to the plaintiffs in the case: Micha Rich, Benjamin Johnson, and Jane Doe, who are employees of government agencies in Georgia and have been denied transgender related health care; John Doe, who is Jane Doe’s young adult child and enrolled in the SHBP through his mother; and the Campaign for Southern Equality, a nonprofit organization dedicated to advancing LGBTQ+ civil rights throughout the South. The settlement also covers a portion of their legal expenses.

Effective immediately, all SHBP-offered health plans will have a provision clarifying that: “Transgender health care coverage generally includes medically necessary transgender surgery and/or other services as deemed medically necessary and appropriate by the member’s treating medical personnel, consistent with the Standards of Care of the World Professional Association for Transgender Health, also known as WPATH, to treat gender dysphoria in its standards of care, as further explained in [the third-party administrator’s] medical policies.”

Additionally:

- the exclusion from all Anthem-operated plans for “services and supplies for a sex change and/or the reversal of a sex change” is removed.
- and the exclusion from all United-operated plans for “sex transformation operations and related services” is removed; and
- the State is required never to recreate a comparable exclusion.

Mr. Rich is a Staff Accountant at the Georgia Department of Audits and Accounts. Mr. Johnson worked as a Media Clerk at an elementary school in Bibb County, Georgia. Both men have been diagnosed with gender dysphoria, for which the treatment is social and medical gender transition, as recommended by the [World Professional Association for Transgender Health \(WPATH\)](#).

"When I was able to get the medical treatment I needed, I finally felt whole. I feel like this is the person I was meant to be, and my mental health has improved drastically. I hope that this settlement means that other trans Georgia state employees can feel the joy and relief I have felt having gotten the medical treatments that I needed," said **Benjamin Johnson (he/him), employee of a Georgia government agency and a plaintiff in the lawsuit**.

"Denying health care to people because they are transgender is not only clearly wrong – it is also clearly illegal. We strongly hope that this settlement sends a message – loud and clear – that employers must not deny transgender health care coverage to employees, and those who do will pay a high price for it," said **David Brown (he/they), Legal Director for TLDEF**.

This settlement follows a June 2022 victory in TLDEF's lawsuit *Lange v. Houston County*, in which a Georgia federal district court [issued a landmark ruling](#) holding that an employer cannot exclude or deny coverage for transition-related medical treatments from its employee health insurance plan. This was the first such ruling in the South. Earlier that year, the State of Georgia also ended its exclusion for transgender-related health care in its Medicaid plan, after being sued in a federal case called *Thomas v. Georgia Department of Community Health*. And in 2018, the University System of Georgia settled a lawsuit, *Musgrove v. Board of Regents*, brought by TLDEF's former Trans Health Project Director, in which it agreed to remove the trans health care exclusion from its employee health plan and pay the plaintiff \$100,000. Employers around the country have lost or settled dozens of similar lawsuits in recent years.

"In a year when transphobic extremists have pushed restriction after restriction for transgender people's access to necessary health care, a development like this that will enable transgender Georgians to more easily access care is a huge victory," said **Holiday Simmons (he/him), Director of Healing & Resilience for the Campaign for Southern Equality**. "No government should be inserting itself into residents' private medical decisions, and we're encouraged to see that transgender people who are state employees in Georgia will no longer be denied coverage for life-affirming and even life-saving health care."

Each year, the Campaign for Southern Equality distributes 10% of its organizational budget through grants. A portion of CSE grant recipients have been SHBP beneficiaries and have requested grant funding to cover out-of-pocket costs for transition-related medical treatments arising from the Exclusions, or to cover other expenses that the recipient cannot afford due to being impoverished by having to paying out-of-pocket for medical treatments subject to the Exclusions.

Transgender-related care is recognized as medically necessary by insurance companies, Medicare and Medicaid, and is also widely covered by private employers. The American Medical Association, the American Psychological Association, and the American Psychiatric Association among other [expert organizations support insurance coverage](#) for transgender-related health care. The IRS also recognizes transgender medical treatments as being both medically necessary and tax-deductible.

"Access to quality health care is a critical issue for all Georgians. Ensuring that transgender Georgians are treated fairly as other employees is a fundamental right," said **Jeff Graham (he/him), Executive Director of Georgia Equality**.

"We are deeply gratified to know that transgender employees and dependents of employees of Georgia will now have access to best practice medical care. Transgender health care is life changing and can be lifesaving," said **Bondurant Mixson & Ellmore partner Amanda Seals**.

Transgender plan participants can use TLDEF's [Trans Health Project Guide to Choosing a Health Plan](#) to help them decide on which plan is best for them.

This case was brought by TLDEF attorneys David Brown and Seran Gee; and Bondurant Mixson & Ellmore attorneys Amanda Seals and Megan Cambre.

Media Contact

Jonathan Adams, Director of Communications

Phone: [646-845-4205](tel:646-845-4205)

Email: communications@transgenderlegal.org

Content last updated on Nov 15, 2023 - PDF generated from: <https://transgenderlegal.org/stay-informed/as-open-enrollment-begins-tldef-settles-lawsuit-with-state-of-georgia-ending-exclusion-of-transgender-health-care-coverage-for-employees-and-dependents/> on Dec. 10, 2023.

Please consider making a donation at <https://transgenderlegaldefense.networkforgood.com> to support our work.

Copyright © 2023 Transgender Legal Defense & Education Fund, Inc. | 520 8th Avenue, Suite 2204, New York, NY 10018 Tel: 646.862.9396 Fax: 646.993.1684