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CHAPTER 1: INTRODUCTION

A. PURPOSE & GOAL FOR THIS GUIDE

Despite legal protections and recognitions, LGBTQIA+ California residents face disproportionately high rates of poverty, homelessness, violence, discrimination and barriers to life necessities, such as health care. The rates of these inequities are often higher among youth and older adults, Black, Indigenous, and People of Color (BIPOC), and Transgender, Gender-Diverse, and Intersex (TGI) communities.

TGI individuals across the U.S., including California, have accomplished many hard fought wins in health care to ensure that health services are delivered based on the unique needs of each individual and their condition(s). TGI communities have fought to make sure the same covered health plan benefits are available to all members, that prior authorizations are done based on each individual member's health circumstances, that providers and health plans are educated about the needs and common barriers that TGI patients encounter, and that health agencies are collecting demographic data to capture the experiences of TGI individuals in an effort to learn and meaningfully address health inequities. However, today, there is an escalating and targeted campaign against TGI communities, because of the power and incredible contributions that TGI individuals have accomplished within a relatively short period of time to change the U.S. health care system. Today, the federal government and many states across the U.S. are seeking to reverse this progress and silence TGI voices.

This guide is intended as a resource for health care advocates, non-legal community advocates, legal aid attorneys, TGI individuals struggling to access care, and other impacted stakeholders in California. It is designed as a step-by-step template that is easy to adopt into your casework, regardless of your experience with advocating for TGI communities or handling gender-affirming care barriers. We hope this guide equips more advocates with the knowledge and tools to effectively work on gender-affirming care cases. We hope this guide empowers TGI individuals and advocates to fight against systemic and institutional barriers to access the quality health care that they deserve. By sharing our knowledge and experiences, we hope to inspire community advocates to act as agents of change for their local community.

The information provided in this Guide is not to be construed as legal advice and can never replace individualized counsel from a licensed

attorney with experience in this area. Further, the receipt of and/or viewing of this document in no way establishes an attorney-client relationship with the authors of the guide or their organization.

B. OVERVIEW OF THE GUIDE

This guide is intended to primarily assist individuals enrolled in the Medi-Cal program who are experiencing barriers to accessing gender-affirming care. It is designed with the intent of adding chapters in the future to assist more individuals with other types of health insurance coverage. Although the current scope of this guide focuses on Medi-Cal coverage, it may be helpful as a basic roadmap to learn the basic processes around accessing care and how to better serve your local TGI community.

Given the evolving landscape of the law and guidance to gender-affirming care and civil rights protections for the LGBTQIA+ population, the authors of this guide will strive to update relevant sections as necessary. However, please seek individualized legal advice from a licensed attorney with expertise in this area of law.

Chapter 2 provides a list of terminology and key documents that are used throughout this Guide.

Chapter 3 reviews common types of health insurance coverage and the laws that apply to each of them. You may use Chapter 3 to help identify the type of health insurance coverage in dispute and the agencies and laws relevant to each source..

Chapter 4 discusses the roadmap to access care and the common barriers to gender-affirming care for individuals enrolled in Medi-Cal managed care plan. This chapter discusses strategies we use in our daily practice to overcome these barriers for our clients. Use Chapter 4 to help identify the specific barriers involved in the case. Although Chapter 4 uses the laws and regulations specific to Medi-Cal managed care plans, it may also help with developing a general understanding of the ways gender-affirming care barriers manifest throughout the health insurance coverage process. Advocates may find Chapter 4 useful when developing legal strategies for analogous statutes or regulations.

Once you identify the specific barriers, use Chapter 5 to identify the appropriate procedural and legal process to address the barriers at issue, as well as some common best practices.

Chapters 6 and 7 are designed to help individuals and organizations that are new to serving the TGI community or want to strengthen their relationship with their local TGI community. Chapter 6 provides some steps to consider when engaging with their local TGI community. Chapter 7 provides an in-depth discussion of cultural competency and how to integrate it into a law practice, such as, the intake process, conflict of interest checks, and case management systems. The chapter discusses how to build more trusting relationships and cultural responsiveness to TGI individuals seeking legal assistance.