



# Steps To Take If You've Been Denied Transgender Health Care

As a transgender individual, you have the right to receive gender-affirming care in the state of California. By law, health insurers in California may not discriminate based on a person's sex, gender identity, or gender expression. If you've been denied gender-affirming care, this page provides steps you can take to get help, including appealing your denial.

## **Step 1: Understand Your Coverage**

Review your policy and coverage. Determine if your insurance plan is an ERISA or non-ERISA plan. ERISA plans are not governed by state laws and your remedies are limited.

## **Step 2: Gather All Information and Act Quickly**

Make sure you have the denial in writing and understand the reason from your insurer. Some denials may be mistakes and others may be the result of an inadequate review. Then, collect all interactions you've had with your insurer including notes from various calls. Also collect all medical evidence concerning your need for this care.

## **Step 3: Internal Appeal**

Submit an appeal following your insurer's process. It is ideal to speak with a qualified bad faith health insurance denial attorney before you do as this person can advise you on how to structure your appeal to optimize your chance of getting the denial overturned.

## **Step 4: External Appeal**

If your insurer doesn't reverse its denial with your internal appeal, you have the right to an external appeal. But speak with an attorney first because an external review sometimes is not a prerequisite to seek court intervention due to a bad faith denial. The attorney will advise you about whether an external review is the right path for you to take for relief. If after consultation with an attorney you decide the ideal option is to pursue an external appeal, then learn where you appeal. In California, if you are a member of a managed health care plan, you submit your appeal to the Department of Managed Healthcare. If you are covered by a health insurance company, submit your appeal to the California Department of Insurance.

## **Step 5: Court Intervention**

After an external appeal or if you skipped the external appeal, you can potentially file a lawsuit against your insurer or managed healthcare company. Doing so puts immediate pressure on them. Plus, a lawsuit may result in both complete coverage for the medical treatment and the possibility of monetary awards if the company acted in bad faith. Many insurance bad faith attorneys work on contingency so they don't charge a client but instead take a percentage of any recovery. So, with such a lawyer generally you will not pay the lawyer any money up front to file a lawsuit.

To learn more about transgender health insurance denials, scan the code below.

Respectfully,  
*Scott Glovsky*



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