

Gender Affirming Treatment Act

WA SB 5313

What is WA SB 5313?

Washington State Bill 5313, or the Gender Affirming Treatment Act is a bill that bans insurance providers from discriminating on the basis of an individual's gender identity or expression.

What is gender affirming treatment?

The bill defines gender affirming treatment as “a service or product that a health care provider prescribes to an individual to treat any condition related to the individual's gender identity and is prescribed in accordance with generally accepted standards of care.”

What does this bill mean for insurance coverage?

The bill bans insurance providers from denying or limiting coverage of gender affirming treatment when that treatment is:

- prescribed because of, related to, or consistent with an individual's gender expression or identity
- medically necessary
- prescribed in accordance with accepted standards of care

The bill also states that insurance providers may not issue an adverse benefit determination denying or limiting access to gender affirming services, unless a health care provider with experience prescribing or delivering gender affirming treatment has reviewed and confirmed the appropriateness of the adverse benefit determination.

What is an Adverse Benefit Determination?

An Adverse Benefit Determination is when a health insurance plan denies a benefit, refuses to pay for a service that has already been received, or rescinds coverage.

What is a Prior Authorization?

Your insurance may request a prior authorization before covering a treatment. You can request prior authorization for a treatment from your primary care provider, or whichever provider you are accessing Gender Affirming medical care through.

What about cosmetic procedures?

The bill states that insurance providers may not deny coverage due to a procedure being cosmetic when the procedure is prescribed as medically necessary gender affirming care.

Procedures covered by this bill include:

- facial feminization surgeries and other facial gender affirming treatment, such as tracheal shaves

- hair electrolysis
- mastectomies
- breast reductions
- breast implants
- or any combination of gender affirming procedures, including revisions to prior treatment.