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Date: June 25, 2020

To: Coordinated care organizations
Oregon Health Plan providers

From: Lori Coyner, Medicaid Director

Subject: Changes to ACA Section 1557 do not affect Oregon Health Plan coverage of gender transition services

On June 19, 2020, the federal Department of Health and Human Services published changes to regulations adopted under [Section 1557 of the Affordable Care Act](#) (Section 1557). One of the changes was to remove gender identity and sexual orientation from the definition of “sex” in the nondiscrimination requirements of Section 1557.

The Oregon Health Authority (OHA) wants to clarify questions and concerns about this change.

- This federal change does not change Oregon Health Plan (OHP) coverage for gender-diverse members.
- OHP currently covers gender transition services, such as hormone therapy, counseling and some surgeries. Changes to Section 1557 do not change this coverage.
- OHP coverage guidance is provided by the [Health Evidence Review Commission](#) (HERC). Transgender OHP coverage is outlined in [HERC Guideline 127](#).

Why is this happening?

[Oregon Revised Statute \(ORS\) 659.875\(1\)](#) prohibits discrimination based on the sexual orientation or gender identity of individuals who receive medical assistance as defined in [ORS 414.025](#). The changes to Section 1557 regulations do not supersede this protection.

What should you do?

Coordinated care organizations (CCOs) and providers should continue to provide OHP-covered services in accordance with [HERC Guideline 127](#) and [ORS 659.875\(1\)](#).

Questions?

- **Providers:** Contact [the member’s CCO](#). For members not in a CCO, contact OHP Provider Services at dmap.providerservices@dhs.oha.state.or.us or 1-800-336-6016.
- **CCOs:** Contact OHA’s CCO Operations Manager, David Inbody at David.G.Inbody@dhs.oha.state.or.us.

Thank you for your continued support of the Oregon Health Plan and the services you provide to our members.