

# Accessing your right to gender-affirming care if you are...

In Massachusetts, you have a right to access gender-affirming health care, including access to medical services, mental health care, and surgical intervention to treat gender dysphoria. Gender-affirming care can be life-saving, and whether you are a Massachusetts resident or not, or a young adult, minor, or incarcerated person – you have a right to access safe, affordable, and confidential care in Massachusetts.

## ... in Massachusetts

You have a right to access gender-affirming health care in Massachusetts.

- This right includes access to supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to the treatment of gender dysphoria.
  - Virtual gender-affirming health care commonly includes hormone therapy, behavioral health care, speech therapy, and mental health care.
- After treatment, you also have a right to legally change your gender identity on your birth certificate through an application process. To do so you will need:
  - An affidavit indicating your name and gender. If you are a minor, this affidavit must be completed by a parent or guardian; and
  - A notarized physician's statement that you have completed medical intervention for the purpose of permanent sex reassignment. It is not required to provide any details regarding the nature or extent of medical care or treatment received.
- Regardless of medical intervention, you also have a right to change your gender designation on your state ID by an application process with the Registry of Motor Vehicles. No documentation is required to change your gender designation on your state ID.

## ... outside of Massachusetts

You can access gender-affirming health care in Massachusetts even if you do not live in Massachusetts. If you have questions about potential legal risk associated with accessing gender-affirming care in Massachusetts, please contact one of the legal resources identified in the "Additional Resources and Information" section of this document.

## ... under 18

You have a right to access gender-affirming health care in Massachusetts if you are under 18 and have permission from a parent or legal guardian.

- If you are under 18, you may be able to access gender-affirming health care without parental consent if your doctor believes you are mature enough give informed consent to the treatment, and it is in your best interest not to notify your parents.
- If you are in custody of the Department of Children and Families (DCF) and under 18, you have a right to access gender-affirming care with the consent of DCF. You can contact your social worker, attorney, medical provider, or one of the resources listed below for more information.
- If you are over 18, you can consent to your own medical treatment without parental (or DCF) consent.



# Accessing your right to gender-affirming care if you are...

## ... incarcerated in Massachusetts

You have a right to access gender-affirming health care if you are incarcerated.

- If you are in incarcerated and have been diagnosed with gender dysphoria, you have a right to clinically appropriate and medically necessary health care and psychotherapy.
  - You do not need a gender dysphoria diagnosis prior to incarceration in order to access gender-affirming care while in custody.
  - Your care will continue if you are incarcerated after beginning treatment.
  - You also have a right to be addressed in a manner consistent with your gender identity, access approved cross-gender clothing, canteen, and cosmetic items, and be housed with inmates of the same gender identity.
- If you are a juvenile in the custody of the Department of Youth Services, you have a right to continue or request gender-affirming health care.
  - DYS must recognize and respect your gender identity.
  - You may request to begin hormone therapy while in DYS custody and be referred to a medical provider as soon as possible. Your care will continue if you have been committed after beginning treatment.

If you have additional questions, please contact our Reproductive Justice Unit at [reprojustice@mass.gov](mailto:reprojustice@mass.gov)



# Obtaining gender-affirming care in Massachusetts...

## ...should be safe

**Know Your Rights.** You have a right to access gender-affirming health care in Massachusetts that is free from discrimination, harassment, and violence. Any infringement on, or interference with, this right is against the law. It is illegal to deny you access to health care on the basis of your actual or perceived gender identity or sexual orientation, or your race, ethnicity, national origin, religion, disability, or age. It is also illegal for an employer or housing provider to discriminate against you based on your transgender status, including whether or not you have accessed, or are currently accessing, gender-affirming care.

- If you have concerns about your experience accessing health care or believe that you have been discriminated against, please file a complaint with our Civil Rights Division online at [mass.gov/how-to/file-a-civil-rights-complaint](https://mass.gov/how-to/file-a-civil-rights-complaint) or call **617-963-2917**.

## ...should be confidential

Health care providers generally cannot share medical records or information about health care services with your partner, parents, guardians, or anyone else without your permission. Likewise, your employer cannot access personal information about your or your partner's reproductive health decisions.

## ...should be affordable

You have a right to insurance coverage for gender-affirming health care in Massachusetts. Massachusetts law prohibits insurers from excluding treatment for gender dysphoria.

**If you have Private Insurance.** Coverage for gender-affirming care cannot be excluded from private health insurance plans that are subject to Massachusetts law (fully-insured health plans). These plans must, at minimum, cover gender-affirming health care that is medically necessary, which can include hormone therapy and puberty blockers, gender-affirming surgeries, mental health services, hair removal, and speech therapy.

- If you are not sure whether your health insurance is fully-insured, contact your health insurance provider or your employer.
- Although self-funded or self-insured plans are not subject to state regulation, many such plans still cover gender-affirming care. If you have a self-funded or self-insured plan and have been denied access to gender-affirming care, there may still be other actions you can take, including appealing through your insurance plan. If you have questions, you should contact one of the resources listed below to learn more.
- Contact your health insurer to see what evidence is required to be eligible for coverage, and whether any services require a prior authorization. Insurers generally enforce certain eligibility requirements for gender-affirming surgery, such as:
  - A diagnosis of gender dysphoria
  - A desire to live and be accepted as a member of another gender
  - A new gender identity that has existed for some set duration of time
  - A documented and stable gender-identity



**If you have MassHealth.** MassHealth is required to cover all medically necessary gender-affirming health care, including hormone therapy and puberty blockers, gender-affirming surgeries, mental health services, hair removal, and speech therapy.

- A determination of medical necessity may include criteria such as:
  - A diagnosis of gender dysphoria
  - A recommendation for the treatment or procedure by a licensed qualified behavioral health professional
  - Co-morbid medical or behavioral health conditions are managed and controlled

**If you are uninsured.** If you are uninsured or need additional financial assistance, gender-affirming health care may also be paid for by the Massachusetts Health Safety Net, private grants, and other financial assistance programs.

- Public assistance in Massachusetts:
  - The Health Safety Net: <https://www.mass.gov/info-details/information-for-patients>
- Organizations offering grants:
  - Darcy Jeda Corbitt Foundation: <https://www.darcycorbitt.org/djcfund.html>
  - The Happy Transgender Center: <https://thehappytransgendercenter.org/apply-for-surgery-grant>
  - Jim Collins Foundation: <https://jimcollinsfoundation.org/apply/>
  - The LOFT LGBTQ+ Community Center: <https://www.loftgaycenter.org/transmission>
  - Point of Pride: <https://www.pointofpride.org/annual-transgender-surgery-fund>
  - Trans United with Family and Friends: <https://tufforg.wixsite.com/tuffnew/apply>
  - The Transgender Emergency Fund of Massachusetts: <https://transemergencyfund.org/>
- Many hospitals and health care providers offer their own financial assistance program. You should contact your provider or the hospital directly for more information.

If you have a problem with health insurance bills or medical bills, file a complaint with our Health Care Division online at <https://www.mass.gov/how-to/file-a-health-care-complaint> or call our Health Care Helpline at **(888) 830-6277**.

## Additional Resources & Assistance

To find a gender-affirming health care provider or mental health support related to gender-affirming care:

- See the Mental Health and Gender-Affirming Care Resource Guide: <https://www.mass.gov/doc/maaglbgtq2iamentalhealthgenderaffirmingcareenglish/download>
- Call the Trans Lifeline at **877-565-8860** or visit [translifeline.org](https://translifeline.org).

For legal information and assistance:

- Contact GLBTQ Legal Advocates and Defenders at **800-455-4523** or go to [GLADAnswers.org](https://GLADAnswers.org).
- Call Health Law Advocates at **855-218-2519** or visit [healthlawadvocates.org](https://healthlawadvocates.org).
- Call the ACLU of Massachusetts at **617-482-3170** or online at: [legalresources@aclum.org](mailto:legalresources@aclum.org).
- Call the Attorney General's Office. For concerns about your health insurance or medical bills, please file a complaint with the Health Care Division online at <https://www.mass.gov/how-to/file-a-health-care-complaint> or call our Health Care Helpline at **(888) 830-6277**. For all other concerns about accessing gender-affirming care, please contact the Civil Rights Division at [mass.gov/how-to/file-a-civil-rights-complaint](https://mass.gov/how-to/file-a-civil-rights-complaint) or call **617-963-2917**.

For social support and services for youth:

- Find your local Alliance of Gay and Lesbian Youth Group at <https://www.bagly.org/the-agly-network>

If you have additional questions, please contact our Reproductive Justice Unit at [reprojustice@mass.gov](mailto:reprojustice@mass.gov)



**Massachusetts Attorney General Andrea Joy Campbell**