

Iowa court: Medicaid can cover sex reassignment surgery

March 8 2019, by Margery A. Beck



This undated photo provided by ACLU of Iowa shows Carol Ann Beal. The Iowa Supreme Court on Friday, March 8, 2019 upheld a judge's earlier ruling that found the state cannot deny two transgender women Medicaid coverage for sex

reassignment surgery. The ruling comes in the consolidated cases of Beal, 43, and EerieAnna Good, 29, both were born male but have identified as female since childhood and applied to have surgery to their medical providers under the state's Medicaid program. They were denied by the providers, appealed to the state agency, which oversees the program, and were again denied. (ACLU of Iowa via AP)

The Iowa Supreme Court on Friday upheld a lower court's ruling that the state cannot deny two transgender women Medicaid coverage for sex reassignment surgery.

The state's high court agreed with Judge Arthur Gamble's ruling in June that a 1995 Iowa Department of Human Services policy denying Medicaid coverage for sex reassignment [surgery](#) violates the state's 2007 Civil Rights Act, which added gender identity to the state's list of protected classes.

Gamble also deemed state's 1995 policy unconstitutional, but the high court did not address that finding.

Friday's ruling comes in the consolidated cases of 43-year-old Carol Ann Beal, who lives in northwestern Iowa, and 29-year-old EerieAnna Good, who lives in the east of the state. Both were born male but have identified as female since childhood. They sought to have surgery under the state's Medicaid program, which provides care for the poor and disabled, but were denied. They appealed to the state agency, which oversees the program, and were again denied.

They sued in 2017, and the agency appealed following Gamble's ruling.

In its appeal, the agency argued, among other things, that its policy

wasn't discriminatory because neither transgender nor non-transgender Medicaid beneficiaries would be entitled to gender-reassignment surgery, which it said is performed "primarily for psychological purposes." It also argued the policy's explicit exclusion of gender-reassignment surgeries was merely a specified example within the broader category of "cosmetic, reconstructive, and plastic surgeries" that were excluded from coverage.

The state Supreme Court said Friday that the record doesn't support that assertion.



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"The (department) expressly denied Good and Beal coverage for their surgical procedures because they were 'related to transsexualism ... (or) [gender identity](#) disorders' and 'for the purpose of sex reassignment,'" Justice Susan Christensen wrote, citing segments of the policy.

Moreover, she wrote, the policy authorizes payment for some cosmetic, reconstructive and plastic surgeries that serve psychological purposes, such as to correct disfiguring and extensive scarring and congenital anomalies, but "it prohibits coverage for this same procedure if (it's) a transgender individual."

Iowa Department of Human Services spokesman Matt Highland said the agency would not comment on the ruling.

The American Civil Liberties Union of Iowa, which filed the lawsuit on the behalf of Beal and Good, called Friday's ruling "a landmark win."

"Denying health care coverage to someone because they are transgender is wrong and extremely harmful to those who need this care," said John Knight of the ACLU's LGBT & HIV Project.

Beal and Good also expressed elation over the ruling, with Beal saying she's "extremely happy for those people who will come after me, that we've made a path for them so that they can get the [medical care](#) and surgery they need."

Good said the decision has been a long time coming.

"So many people still don't understand that this is not something we need for trivial or cosmetic reasons," she said. "It's medical care a doctor is recommending for someone who has a medical need for it. And it can save lives. Transgender people are at such risk for suicide, and I've lost [transgender](#) friends to suicide. I hope this decision helps change that."

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