

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2209

(SENATE AUTHORS: DIBBLE, Oumou Verbeten, Marty, Murphy and Frentz)
DATE 02/27/2023 D-PG Introduction and first reading OFFICIAL STATUS Referred to Health and Human Services

1.1 A bill for an act
1.2 relating to health care; clarifying that health plans must cover gender-affirming
1.3 care; clarifying that medical assistance covers gender-affirming care; amending
1.4 Minnesota Statutes 2022, section 256B.0625, subdivision 3a; proposing coding
1.5 for new law in Minnesota Statutes, chapter 62Q.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [62Q.585] GENDER-AFFIRMING CARE COVERAGE; MEDICALLY
1.8 NECESSARY CARE.

1.9 Subdivision 1. Requirement. No health plan that covers physical or mental health
1.10 services may be offered, sold, issued, or renewed in this state that:

1.11 (1) excludes coverage for medically necessary gender-affirming care; or

1.12 (2) requires gender-affirming treatments to satisfy a definition of "medically necessary
1.13 care," "medical necessity," or any similar term that is more restrictive than the definition
1.14 provided in subdivision 2.

1.15 Subd. 2. Minimum definition. "Medically necessary care" means health care services
1.16 appropriate in terms of type, frequency, level, setting, and duration to the enrollee's diagnosis
1.17 or condition and diagnostic testing and preventive services. Medically necessary care must
1.18 be consistent with generally accepted practice parameters as determined by health care
1.19 providers in the same or similar general specialty as typically manages the condition,
1.20 procedure, or treatment at issue and must:

1.21 (1) help restore or maintain the enrollee's health; or

1.22 (2) prevent deterioration of the enrollee's condition.

2.1 Subd. 3. **Health plan; definition.** For purposes of this section, "health plan" has the
2.2 meaning given in section 62Q.01, subdivision 3, but includes the coverages listed in section
2.3 62A.011, subdivision 3, clauses (7) and (10).

2.4 Sec. 2. Minnesota Statutes 2022, section 256B.0625, subdivision 3a, is amended to read:

2.5 Subd. 3a. ~~Sex reassignment surgery~~ **Gender-affirming care.** ~~Sex reassignment surgery~~
2.6 ~~is not covered.~~ Medical assistance covers gender-affirming care, as determined medically
2.7 necessary pursuant to the procedures and criteria recognized within the prevailing
2.8 professional standards, guidelines, or practices in this field of medicine.