

## Insurer Testimony on HB 2002

March 20, 2023

Chair Nosse, Vice-Chairs Goodwin and Nelson, and Members of the Committee:

As Oregon's primary health insurance companies, we are writing to submit comments on the gender affirming care provisions (Sections 19 through 26) of HB 2002. We appreciate the early outreach from the Speaker of the House and proponents of these provisions and the ongoing discussions we've had on the provisions. Oregon insurers are already covering most medically necessary gender affirming care services for commercially insured Oregonians pursuant to the Department of Consumer and Business Services' (DCBS) 2016 Bulletin.<sup>1</sup> As we understand it, this bill intends to ensure consistent coverage for gender affirming services among health insurers.

As we work to implement these new coverage requirements, we request clarification in the bill regarding its implementation and assurances that our companies will be provided sufficient guidance to implement the bill consistent with its legislative intent. We all want to successfully implement new provisions for our members and constituents, and clear standards established up front minimize ambiguity, complaints, and the need for further action. As we have learned from experiences in Washington state, who recently implemented a similar requirement, it can be challenging with the limited information insurers are provided on claims, to understand whether a particular service is received for gender affirming care or other reasons. We will also need guidance on specific coverage requirements, coding, and numerous other issues as we move through implementation. To that end, we requested that DCBS adopt rules and issue bulletins to provide clarity on implementation prior to the effective date of the legislation, so we can ensure we have the guidance we need clear guidance from DFR on their expectations. Given our experience implementing the Reproductive Health Equity Act of 2018 (RHEA), we need greater certainty in what is expected of us as partners in health care. We understand – and greatly appreciate – that forthcoming amendments provide further clarity around rulemaking.

Thank you for the opportunity to submit testimony, and we appreciate the early engagement and outreach on HB 2002. Please let us know if you have any questions.

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<sup>1</sup> **Bulletin No.** 2016-1, Nondiscrimination Related to Transgender Persons in the Transaction of Insurance in Oregon, *available at*