

FAQ: Gender-affirming medical care in Ohio

What is the status of gender-affirming medical care in Ohio?

- The only restriction currently in effect in Ohio is a ban on gender-affirming surgery for minors pursuant to an emergency rule signed by Governor DeWine on January 5, 2024.
- A broader ban on gender-affirming medical treatment for minors due to House Bill 68 (HB 68) is set to go into effect on April 24, 2024. **The ACLU of Ohio filed a lawsuit to prevent enforcement of this law before its effective date. The case is currently pending in the Franklin County Court of Common Pleas.**

What is House Bill 68 (HB 68)?

- HB 68 is a bill that bans gender-affirming medical care for minors in Ohio. It allows minors who are currently receiving care and who live in Ohio to continue that care as long as their providers document it would be harmful for the patient to discontinue it.
- HB 68 also bans trans women and girls from women's and girls' school sports.
- The bill passed through the legislature in December 2023 and was subsequently vetoed by Governor DeWine. On January 24, 2024, the legislature overrode the Governor's veto, which unfortunately means the bill became law and will go into effect on April 24, 2024.

What should I do if I am a transgender minor in Ohio?

- Transgender adolescents who are currently receiving gender-affirming medical care should communicate with their care providers to make sure there are no interruptions in care.
- Transgender adolescents who are not yet receiving gender-affirming medical care but who have a gender dysphoria diagnosis and a need for treatment should meet with a provider as soon as possible, prior to April 24, 2024.
- If you are a pre-pubertal transgender minor, you should talk to your doctor about when care might be needed. You and your family should also research care out of state.
- If care in your area is going to be limited, you and your family should also explore out of state options. Some nearby states that do not ban care are Michigan and Illinois. Indiana has passed a law banning care but that law is currently enjoined.

What should I do if I am a provider of gender-affirming medical care for transgender people in Ohio?

- If you are currently treating transgender patients in Ohio, do not discontinue treatment prematurely. The ban on treatment for minors (HB 68) does not go into effect until April 24, 2024, and there are exceptions for patients currently receiving treatment. The proposed rules applicable to adults are not yet in effect.

Is care banned for adults?

- No. Care is not banned or in any way restricted for transgender adults in Ohio.
- In January 2024, Governor DeWine requested that the Department of Health (ODH) and the Department of Mental Health and Addiction Services (ODMHAS) issue new proposed rules about health care for transgender people. Though Governor DeWine focused on minors, the initial proposed rules would have affected care for adults. **However, ODH and ODMHAS subsequently revised their rules to remove proposed restrictions on care for adults. Now, the revised rules would only impact care for minors. However, the proposed reporting requirements for providers would encompass minors and adults. These rules are neither final nor in effect.**
- If your care providers are canceling appointments or cutting off your treatment, you may consider transferring your care to Equitas Health. Equitas Health operates community health centers offering gender-affirming care services in Columbus, Cincinnati, Dayton, and Akron. To make an appointment, call 1-833-378-4827. For updates on how the latest moves by the state government might affect gender-affirming care long-term, visit protectgac.equitashealth.com.

What would the proposed rules do?

- As a reminder, the proposed rules are neither final nor in effect so at this point they should not yet affect your treatment in any way.
- If the rules go into effect as written they would impose a series of requirements on providers who treat transgender minors.
 - The specific requirements related to minors under the rules are mostly irrelevant due to the total ban on care in HB 68. The rules now also state that statutory law (i.e. laws passed by the legislature) and court decisions take precedent over provisions of the rule.
 - For transgender Ohioans over 18, the rules would require that all providers who treat transgender patients with gender-affirming medical care have an endocrinologist and a psychiatrist on staff OR that the providers contract with such specialists. Additionally, the proposed rules would require that providers have a written treatment protocol that is overseen by an ethicist.
 - Special note, for transgender Ohioans over 18 but under 21, the rules require them to receive a comprehensive mental health assessment and not less than 6 months of counseling, documentation of which must be provided in their record.
- The proposed rules would require providers to regularly report information to the legislature and to ODH and ODMHAS. The reporting would require aggregated information about the number of patients diagnosed, receiving treatment, discontinuing treatment, and detransitioning.
- The proposed rules do have an exception for minors who are currently receiving treatment.
- There are a lot of unknowns about the actual impact of the proposed rules as they have contradictory provisions. The rules still must undergo review from multiple state regulatory bodies before being finalized and adopted.