

**California Department of Insurance – LGBTQ consumer protections  
2019 – June 2021**

**Insurance Diversity Task Force (February 11, 2021)**

Appointed Mark Morales, the first openly LGBTQ+ Chair of the California Department of Insurance Diversity Task Force. The Insurance Diversity Task Force identifies and recommends actions to the Commissioner that will advance the diversity and equity goals of the Insurance Diversity Initiative. The Insurance Diversity Initiative focuses on accelerating the rate of progress and equity within the insurance industry by encouraging greater diverse representation among the boards of insurance companies and increasing procurement from diverse suppliers, including businesses owned by women, LGBTQ+ people, veterans, disabled veterans and historically underrepresented communities.

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**General Counsel Opinion Letter ensuring transgender youth have access to gender-affirming medical care for gender dysphoria (December 30, 2020)**

Commissioner Ricardo Lara directed the Department of Insurance to issue a General Counsel Opinion Letter clarifying that under existing California law, health insurance companies may not deny coverage for male chest reconstruction surgery for female-to-male patients undergoing gender-affirming care for gender dysphoria based solely on a patient's age.

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**Notice on LGBTQ protections in California law (June 15, 2020)**

Following the Trump Administration announcing rules that eliminate nondiscrimination protections in the Affordable Care Act, issued a notice to California health insurance companies about their requirement to comply with California laws. To the extent a person's health coverage is subject to federal regulation, the Trump Administration final federal rule will impair the ability of women, persons in the LGBTQ+ community, those living with disabilities, and individuals whose primary language is other than English to access health care and facilitates without discrimination.

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**Notice requiring coverage of HIV PrEP without cost-sharing (June 10, 2020)**

Issued a notice to health insurance companies about their obligation to provide preventive health services coverage for HIV PrEP without cost sharing for patients starting on June 11 – the one-year anniversary of the grade "A" recommendations by the U.S. Preventive Services Task Force (USPSTF) that individuals at high risk of contracting HIV must be offered PrEP medication, inclusive of lab and clinic visits, by their health care provider. Provisions in the federal Affordable Care Act and the California Insurance Code require most private insurance plans and Medicaid expansion programs, which includes Medi-Cal, to cover all USPSTF grade "A" and "B" rated services and medications with no cost sharing for patients, including deductibles, copayments, and coinsurance.

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**Letter to Los Angeles County Board of Supervisors on sexual orientation/gender identity data collection in COVID-19 testing (June 2, 2020)**

Sent a letter urging the Los Angeles County Board of Supervisors to direct the Los Angeles County Department of Public Health to collect and report sexual orientation and gender identity data related to COVID-19 testing.

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**Letter to Governor Newsom on sexual orientation/gender identity data collection in COVID-19 testing (May 22, 2020)**

Sent a letter urging the governor to administratively require the California Department of Public Health and local health officers to collect and report sexual orientation and gender identity data related to COVID-19 testing -- joining the California Legislative LGBTQ+ Caucus and Equality California in urging action.

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**Insurance commissioners letter to U.S. FDA on blood donation (April 3, 2020)**

Wrote a letter to the U.S. Food and Drug Administration – signed by six other insurance commissioners – urging them to permanently lift the deferral period on out of date and discriminatory rules that prevent gay men from donating blood. The current three-month deferral period is still discriminatory and solely based on sexual orientation, as opposed to an individual’s risk factors and health history.

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**Equal Insurance HIV Act (February 11, 2020)**

Sponsored the Equal Insurance HIV Act with Equality California, authored by Senator Lena Gonzalez. The bill would stop insurance companies from denying life and disability income insurance coverage based solely on HIV status, and enact anti-discrimination protections in life and disability income insurance products for those living with HIV by banning HIV discrimination to ensure they have equal access to the coverage they deserve. The bill, SB 1255 was signed into law and will take effect on January 1, 2023.

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**Governor Newsom signed SB 534 (September 5, 2019)**

Governor Newsom signed SB 534 (Bradford) to reauthorize the Insurance Supplier Diversity Survey and expand it to include LGBT- and veteran-owned businesses. The new law continues the Department of Insurance’s governing board survey and extend the Insurance Diversity Task Force, comprised of up to 15 members representing insurance companies, experts in supplier and governing board diversity, and minority, women, disabled-veteran or veteran, and LGBT business enterprises.

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**Insurance commissioners joint letter opposing Trump rules on ACA discrimination protections (August 5, 2019)**

Led effort with 17 other state insurance commissioners to submit a letter to the U.S. Secretary of Health and Human Services to protect rules addressing unfair treatment of transgender consumers. The proposed changes by the Trump administration will undermine civil rights protections for millions of consumers, create an uneven playing field for health insurers and negatively affect state insurance markets. The Department of Insurance submitted detailed opposition to the Trump rules on ACA discrimination

protections on August 13, 2019. The Trump administration adopted the rules on June 12, 2020. Update: May 10, 2021, CRL issued a statement after U.S. Department of Health and Human Services Secretary Xavier Becerra restored anti-discrimination protections for gender identity or sexual orientation under the Affordable Care Act.

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**Notice regarding discrimination in HIV PrEP medication (June 20, 2019)**

Warned insurers after a Department of Insurance investigation uncovered evidence of discrimination against HIV-negative individuals who used medication to prevent contracting the disease. The Department of Insurance investigation of life, disability income and long-term care insurance companies found that some insurers had denied or limited coverage, restricted products available through accelerated underwriting, placed conditions on coverage, or charged higher rates to users of pre-exposure prophylaxis, or PrEP, medication. The Department of Insurance's [notice](#) advises insurers that under California law, a person's history of PrEP use cannot be used as a justification to deny life, disability or long-term care insurance coverage or charge higher premiums for that coverage.