



TLDEF Sues State of Georgia for Denying Trans-Inclusive Health Care Coverage to Employees and Dependents

ATLANTA – Today, the Transgender Legal Defense and Education Fund (TLDEF), along with co-counsel Bondurant Mixson & Ellmore LLP, [filed a complaint in a lawsuit against the State of Georgia](#) for denying coverage of transgender-related health care in the Georgia State Health Benefit Plan (SHBP), which covers more than half a million Georgians, including employees of state agencies and public school districts, and their family members. Plaintiffs include Micha Rich and Benjamin Johnson, who are both employees of Georgia government agencies and are being denied transgender related health care; the Campaign for Southern Equality, a nonprofit organization dedicated to advancing LGBTQ+ civil rights throughout the South; and Jane Doe, who is employed in the Division of Family and Children Services, and her young adult child John Doe, who is also enrolled in the plan through SHBP.

"I love my job. I love what I do and that I get to work in service of the public good. But my employer should not be able to deny me health care because of who I am. For years, I had to put off living my life fully while I waited to have the medical treatments that my doctors and I knew I needed," said **Micha Rich, employee of a Georgia government agency and a plaintiff in the lawsuit**. "I grew up in Georgia, I went to college in Georgia, and now I work for the state of Georgia. I want to see Georgia lead on treating people fairly."

Mr. Rich is a Staff Accountant at the Georgia Department of Audits and Accounts. Mr. Johnson is a Media Clerk at an elementary school in Bibb County, Georgia. Both men have been diagnosed with gender dysphoria, for which the treatment is social and medical gender transition, as recommended by the [World Professional Association for Transgender Health \(WPATH\)](#).

"For many years, I have felt that my body does not match the image I have of myself. When I was able to get the medical treatment I needed, I finally felt whole," said **Benjamin Johnson, employee of a Georgia government agency and a plaintiff in the lawsuit**. "I feel like this is the person I was meant to be, and my mental health has improved drastically."

"Time and again, courts have ruled that denying health care to people because they are transgender is not only clearly wrong – it is also clearly illegal," said **David Brown, Legal Director for TLDEF**. "We had a landmark victory on this exact question just a few months ago, and we are confident that the courts will once again come to the right decision – that there is no room for discrimination in Georgia."

This lawsuit follows a June 2022 victory in TLDEF's lawsuit *Lange v. Houston County*, in which a Georgia federal district court [issued a landmark ruling](#) holding that an employer cannot exclude or deny coverage for transition-related medical treatments from its employee health insurance plan. This was the first such ruling in the South. Earlier this year, the State of Georgia also ended its exclusion for transgender-related health care in its Medicaid plan, after being sued in a federal case called *Thomas v. Georgia Department of Community Health*. And in 2018, the University System of Georgia settled a lawsuit, *Musgrove v. Board of Regents*, brought by TLDEF's former Trans Health Project Director, in which it agreed to remove the trans health care exclusion from its employee health plan and pay the plaintiff \$100,000.

"Far too often, government institutions and extremist forces discriminate against transgender people by limiting our access to necessary health care," said **Holiday Simmons (he/him), Director of Healing & Resilience for the Campaign for Southern Equality**.

"When governments intervene in the conversations that should be between a medical provider and a patient, it harms us, it limits our treatment options, and it's wrong."

About 40% of the CSE's work focuses on LGBTQ+ peoples' access to health care. In 2015, the CSE launched the Southern Equality Fund (SEF). Through the SEF, the CSE provides Emergency Assistance Grants to LGBTQ Southerners of \$250. Applicants can use the funding for basic needs like prescriptions or medical bills, groceries, rent/mortgage payments, prevention supplies, and more. Each year, the Campaign for Southern Equality distributes 10% of its organizational budget through SEF grants. A portion of CSE grant recipients are SHBP beneficiaries, and have requested grant funding to cover out-of-pocket costs for transition-related medical treatments arising from the Exclusions, or to cover other expenses that the recipient cannot afford due to being impoverished by having to paying out-of-pocket for medical treatments subject to the Exclusions.

Transgender-related care is recognized as medically-necessary by insurance companies, Medicare and Medicaid, and is also widely covered by private employers. The American Medical Association, the American Psychological Association, and the American Psychiatric Association among other [expert organizations support insurance coverage](#) for transgender-related health care. The IRS also recognizes medical treatments care as being both medically-necessary and tax-deductible.

"Access to quality healthcare is a critical issue for all Georgians. Ensuring that transgender Georgians are treated fairly as other employees is a fundamental right," said **Jeff Graham, Executive Director of Georgia Equality**.

For a full digital press kit with client photos, click [here](#).

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The Transgender Legal Defense & Education Fund (TLDEF) is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, and public policy efforts. To learn more about TLDEF's work, visit tldef.org.

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