

Human Resources Department

Office of the
Director of Human Resources

November 29, 2011

The Honorable Dave Jones, Commissioner
California Department of Insurance
Attention: Edward Wu, Staff Counsel
300 South Spring Street, South Tower, 12th Floor
Los Angeles, CA 90013

RE: REG-2011-00023
Implementation of AB 1586: Insurance Gender Non-Discrimination

The City of Berkeley is pleased to offer our comments in support of regulations proposed by the California Department of Insurance that specify the forms of gender discrimination that violate California Insurance Code section 10140. We applaud the Commissioner's response to the serious and persistent discrimination that transgender Californians experience from health insurance carriers. These regulations will provide important clarification of the legal obligation of insurers to treat all Californians fairly regardless of gender identity.

The Insurance Gender Non-discrimination Act (AB 1586) clearly prohibits the use of gender identity as a basis for coverage decisions from issuing policies to paying claims. Despite the fact that this has been the law for almost six years, transgender people are still refused policies, denied treatments offered to non-transgender people, and held to a higher standard to prove that their health care is medically necessary simply because they are transgender.

As an employer, we have faced an uphill battle in ensuring that our transgender employees have equal access to our health insurance benefits. Insurance companies have put up barriers to providing coverage of medically necessary care for our transgender employees, even when comparable care is available to non-transgender people. It is important to us that our transgender employees are fully supported in the workplace, and that means equal access to health care. Without specific regulations requiring insurance companies to cover health care services related to gender transition when that coverage is available for comparable health services, we know our transgender employees will continue to face arbitrary and discriminatory denials.

The City of Berkeley recently went through an extensive process working with Kaiser Permanente and Health Net of California to amend our medical insurance plans to include coverage for transgender employees. A considerable part of the discussion concerned the same issues that would be corrected

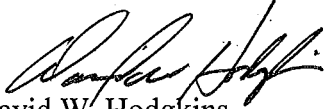
Subject: Transgender Insurance Regulations

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through regulations proposed by the California Department of Insurance. These regulations would help educate other employers on this issue and should facilitate other employers in California in efforts to include coverage for transgender employees.

We fully support the proposed regulations and expect them to help reduce health disparities experienced by transgender Californians. The City of Berkeley appreciates the leadership demonstrated by Insurance Commissioner Jones and Department staff to ensure equal access to insurance and healthcare for all Californians.

Sincerely,



David W. Hodgkins

Director of Human Resources

cc: Christine Daniel, Interim City Manager
Peter McNamara, Keenan Associates
Kristina Wertz, Transgender Law Center