



January 19, 2024

Submitted via email MH-SOT-rules@mha.ohio.gov¹

Ohio Dept. of Mental Health and Addiction Services (MHAS)
ATTN: Comments on Gender Transition Care Rules
30 East Broad Street, 36th floor
Columbus, OH 43215

Re: Rule 5122-14-12 [Program, Specialty Services, and Discharge Planning Requirements]

I am writing on behalf of Equitas Health, which is headquartered in Columbus, Ohio, to express comments and concerns with the revisions to the existing administrative rule – Rule 5122-14-12: Program, Specialty Services, and Discharge Planning Requirements – as proposed by Governor Mike DeWine and the Ohio Dept. of Mental Health and Addiction Services (MHAS). As noted throughout this public comment, Equitas Health is in strong opposition to all portions of this proposed revision to existing administrative rule.

As you may be aware, Equitas Health is a non-profit community health center and one of the largest LGBTQ+ and HIV/AIDS serving healthcare organizations in the country. Each year, we serve tens of thousands of patients in Ohio, Texas, Kentucky, and West Virginia, and since 1984, we have been working to advance “care for all.” Our mission is to be the gateway to good health for those at risk of or affected by HIV; for the lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ+) community; and for those seeking a welcoming healthcare home. In doing so, we offer primary and specialized medical care, pharmacy services, dentistry, mental health and recovery services, HIV/STI prevention and treatment services, Ryan White HIV case management, overall care navigation, and a number of community health initiatives.² Regarding this public comment, our agency, our patients, and our broader community are concerned about this proposed rule. As one of the largest providers of gender affirming care in the Midwest, we strongly urge the Ohio Dept. of Mental Health and Addiction Services (MHAS) to fully and completely rescind all portions of this proposed revision to existing administrative rule.

Overall Recommendation: We strongly urge the Ohio Dept. of Mental Health and Addiction Services (MHAS) to fully and completely rescind the proposed revision to sub-section (H)(5) of this administrative rule, given its numerous contradictions to evidence-based and medically recommended standards of transition-related medical care.

¹ Document prepared by Rhea Debussy, Ph.D. (she/her), Director of External. Document reviewed by Sam Brinker (he/him), General Counsel and Sarah Green (they/she), Administrative Assistant – Advancement.

² <https://equitashealth.com/about-us/>

In its current form, the proposed revisions to this existing administrative rule would create a situation in which in-patient psychiatric providers will fail the standard outlined in sub-section (H) – i.e. “to promote recovery and meet the comprehensive needs of each patient” – for many of their transgender, non-binary, gender expansive, and intersex patients.³ The proposed revisions outlined in this sub-section fail to meet the standards of care, as outlined by leading medical associations like the World Professional Association of Transgender Health (WPATH).⁴

More specifically, the proposed revisions in sub-section (H)(a) prohibit in-patient psychiatric providers from administering or furnishing medications that are necessary for transition-related care (i.e. hormone replacement therapy or HRT). If implemented as currently written, this proposed revision will prohibit in-patient psychiatric patients from accessing life-saving and medically recommended medications, such as testosterone, estrogen, progesterone, etc. Expecting in-patient psychiatric patients to simply stop said medications ‘cold turkey’ places medical providers in an unethical situation, and alarmingly, it also facilitates active harm against patients, given that this practice would go against the medical recommendations that are referenced above.

Concluding Remarks: To conclude, we strongly urge the Ohio Dept. of Mental Health and Addiction Services (MHAS) to do the following:

- 1) Fully and completely rescind the proposed revision to sub-section (H)(5) of this administrative rule, given its numerous contradictions to evidence-based and medically recommended standards of transition-related medical care.**

Equitas Health would like to thank you for this opportunity to present comments and concerns on the proposed revisions to this existing administrative rule. Should you have any questions about our comments, please feel free to contact Dr. Rhea Debussy (she/her), Director of External Affairs at Equitas Health.

³ See page 4: https://mha.ohio.gov/static/AboutUs/RulesandRegulations/DraftRules/5122-14-12-Final_01052024.pdf

⁴ See WPATH’s *Standards of Care for the Health of Transgender and Gender Diverse People*, version 8. 2022. Taylor and Francis Group. Available at: <https://www.tandfonline.com/doi/pdf/10.1080/26895269.2022.2100644>