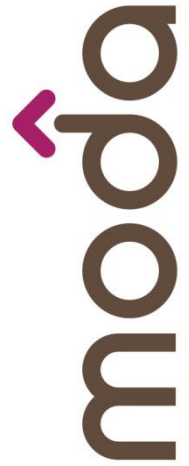


August 21, 2024



Oregon Division of Financial Regulation
Department of Consumer and Business Services
350 Winter St. NE
Fourth Floor
Salem, OR 97301
Attn: Brooke Hall, Lisa Emerson

Subject: Moda Health Comments on Gender-Affirming Treatment Rulemaking, HB 2002

Moda Health Plan, Inc. (Moda) appreciates the opportunity to provide comment to the Department of Consumer and Business Services' (DCBS) Division of Financial Regulation (DFR) efforts to adopt rules to implement House Bill 2002 (2023), Gender-Affirming Treatment. In this letter, Moda is providing feedback regarding the proposed requirement that a provider reviewing an authorization request relating to gender-affirming treatment must complete the WPATH Global Education Initiative "Foundations in Transgender Health" training program or equivalent in order to issue an adverse determination. Moda supports the intent of this proposal; however, Moda has concerns regarding the availability and frequency of the WPATH or equivalent training sessions and how the limited availability of these trainings will impact the ability of health insurance issuers to review authorizations for gender-affirming care services.

According to the educational resources listed on the WPATH website¹, a virtual WPATH GEI Online Foundations Course was only offered once in 2024 (June-July), with no 2025 dates yet set. In-person options for 2024 and 2025 take place in Lisbon, Portugal² and in Madrid, Spain³. Moda has concerns about providers being able to attend the virtual training if they are only offered once in a calendar year. A single annual virtual training session is not sufficient to ensure that all providers can attend or will be able to secure a spot for the training session. Moda also has concerns with in-person trainings only being offered outside of the United States. Health insurance issuers should not be expected to send providers outside of the country to meet the proposed training requirements. This places undue burden and cost on issuers and providers.

While the proposed rules allow for the use of equivalent trainings that will be listed on the Division website, the name, number, and availability of these equivalent trainings has not yet been identified by the Division. As such, health insurance issuers cannot ensure that providers can complete the training before the July 2025 effective date from the proposed rules.

Moda is also concerned about the absence of a parallel training requirement for Independent Review Organizations (IROs). If IROs are not held to the same standard as providers making determinations on behalf of issuers, a balanced approach is not being taken and could lead to inconsistent determinations.

¹ www.wpath.org/education/WPATH-Upcoming-Courses

² [7.9.24 Updated GEI Schedule 2024 Announcement .pdf \(wpath.org\)](#)

³ [14652-WPATH GEI 2024-Flyer-ENGLISH 7.18.24 Most-Recent.pdf](#)



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Lastly, it is important to note that House Bill 2002 does not require completion of a WPATH or equivalent training program. The bill requires that a health care provider making the determination have experience prescribing or delivering gender-affirming treatment. Moda believes that the bill sets clear requirements and expectations for providers reviewing these cases, as does OAR 836-053-1325⁴. The requirement of supplemental training is unnecessary to meet the requirement in the bill and is potentially problematic given the reasons outlined in this letter. Moda recommends that the WPATH or equivalent training requirement be removed from the final rule.

Thank you for the opportunity to provide comments during this rulemaking process.

Sincerely,

Scott White

Scott White

Director, Regulatory Affairs, Moda Health Plan, Inc.

⁴ [OAR 836-053-1325 – Procedures for Conducting External Reviews \(public.law\)](#)

