

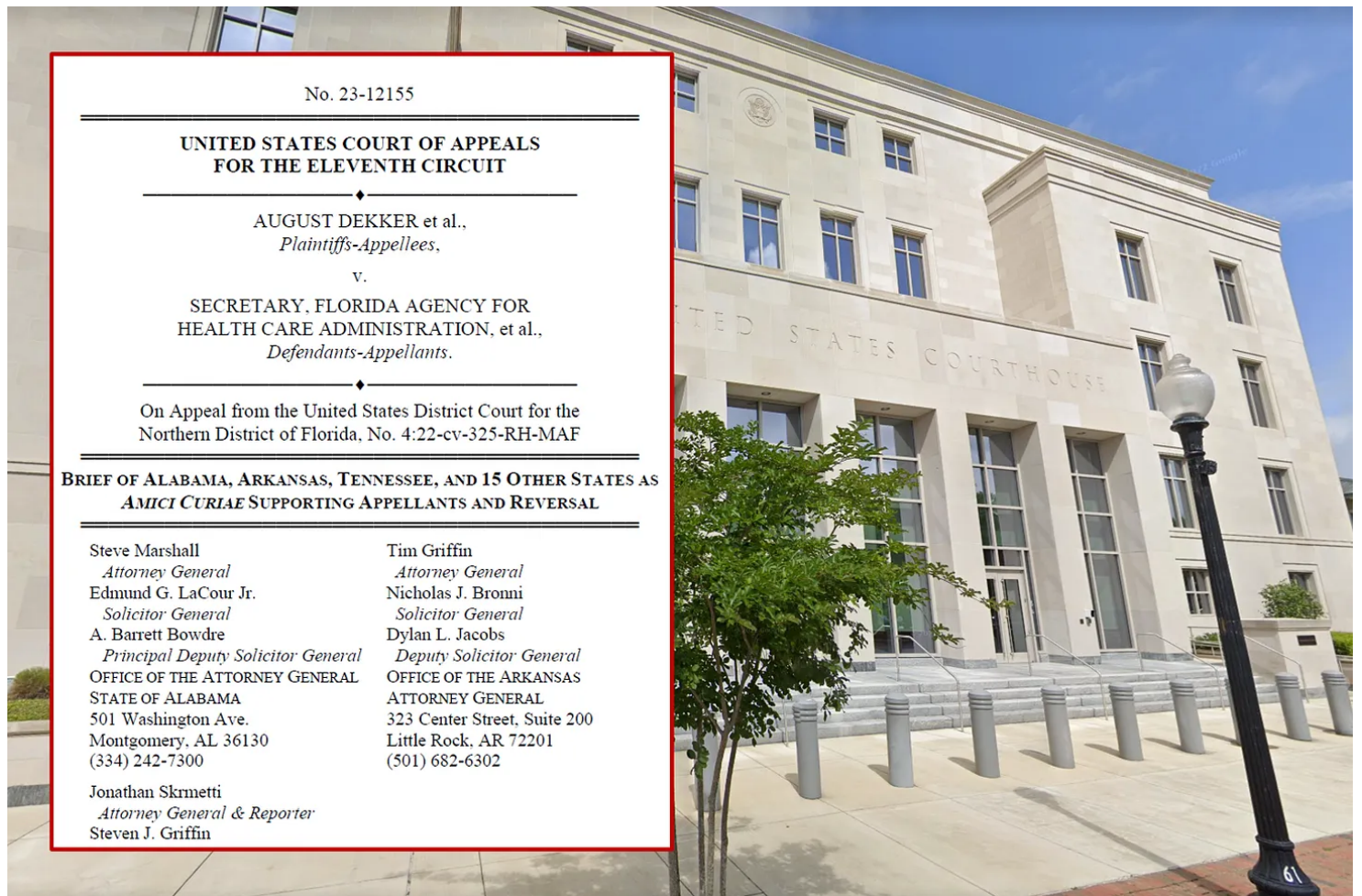
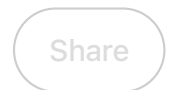
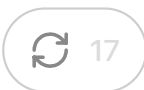
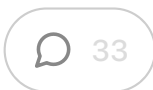
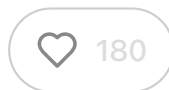
18 Republican AGs Sign Letter Citing Anti-Abortion Ruling To Target Trans Adult Care

Republican Attorneys General representing 18 states have filed a brief in *Dekker v. Weida*, a case in which trans people in Florida have been denied Medicaid coverage for gender affirming care.



ERIN REED

OCT 16, 2023



No. 23-12155

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

AUGUST DEKKER et al.,
Plaintiffs-Appellees,

v.

SECRETARY, FLORIDA AGENCY FOR
HEALTH CARE ADMINISTRATION, et al.,
Defendants-Appellants.

On Appeal from the United States District Court for the
Northern District of Florida, No. 4:22-cv-325-RH-MAF

**BRIEF OF ALABAMA, ARKANSAS, TENNESSEE, AND 15 OTHER STATES AS
AMICI CURIAE SUPPORTING APPELLANTS AND REVERSAL**

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Republican attorneys general and legal representatives from 18 states have **submitted an amicus brief** in a Florida case, *Dekker v. Weida*, which currently mandates that transgender individuals in Florida continue to be offered coverage under Medicaid. In 2022, the Florida Agency for Healthcare Administration introduced a "**standard of care**," declaring that transgender care, irrespective of age, is experimental and thus shouldn't be covered by the state's Medicaid program. These guidelines, based on **manipulated research** by the agency and its contractors, have emerged as a pivotal element in legislative and judicial debates across the United States concerning transgender care. As Republican-led states with supermajorities explore avenues to challenge gender affirming care, a new target is emerging: health insurance coverage for transgender adults and their essential medical needs.

The letter, principally authored by Attorneys General Marshall, Griffin, and Skrmetti from Alabama, Arkansas, and Tennessee respectively, aims to reverse the *Dekker* decision that permits transgender adults to retain Medicaid coverage for gender-affirming care. The attorneys general reference the **Dobbs decision**, which overturned abortion rights, eight separate times. They voice concerns that if the district court upholds Medicaid coverage, by imposing heightened scrutiny on laws affecting transgender individuals, it might similarly apply heightened scrutiny to abortion rights.

See this section of the letter:

only to women. It would also mean that a law restricting abortions would face heightened scrutiny. The Supreme Court squarely rejected this reasoning, explaining that “[t]he regulation of a medical procedure that only one sex can undergo does not trigger heightened constitutional scrutiny unless the regulation is a ‘mere pretext designed to effect an invidious discrimination against members of one sex or the other.’” *Dobbs*, 142 S. Ct. at 2245-46 (cleaned up) (quoting *Geduldig v. Aiello*, 417 U.S. 484, 496 n.20 (1974)).

Plaintiffs’ attempt to turn the Equal Protection Clause into a prohibition on explicitly gendered terms thus runs headlong into *Dobbs*. Virtually every abortion regulation, including the one at issue in *Dobbs*, uses gendered terms or references the unique characteristics of the female reproductive system. *See* Miss. Code Ann.

Page 6 of Amicus brief from 19 state AGs in *Dekker*.

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The letter heavily references the [Florida standards of care](#) introduced in June 2022. During court hearings concerning these standards, evidence surfaced indicating that the "research"

sanctioned by the Florida agency had been deliberately manipulated to prohibit care. The agency enlisted researchers from the American College of Pediatricians (ACPed)—a misleadingly named religious conversion therapy association, **labeled a hate group** by the Southern Poverty Law Center. A document unveiled in April revealed that the agency had pre-ordained a plan **leading to "care effectively banned"** even before initiating the research. These revelations, coupled with other significant discoveries about the AHCA's approach, resulted in a judge **dismissing the Florida standards of care** in the context of Medicaid coverage.

The attorneys general conspicuously avoid mentioning the manipulated nature of the research. Instead, they wholly endorse the AHCA report, which asserts, “The Florida Agency for Healthcare Administration (AHCA) determined that current evidence does not support using puberty blockers, cross-sex hormones, and surgeries to treat gender dysphoria.” Intriguingly, the letter's authors seem to be not fully confident in the report's validity, as evidenced by their fervent advocacy for diminished levels of legal scrutiny. When subject to higher scrutiny levels, numerous judges have found the pseudoscientific arguments opposing gender-affirming care to be baseless. This includes judgements in **Arkansas, Tennessee, and Florida**.

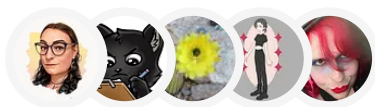
Gender affirming care saves lives. It has been associated with a **73% lower suicidality** for those able to access care. Other studies have shown a **40% reduction in actual** suicide attempts within the previous year. Over **50 studies** have been compiled by Cornell University showing the importance of this care for transgender people. This is why it is supported by **every major US medical organization**. Yet, those against such care, including Florida's AHCA and the aforementioned attorneys general, argue that the politically-motivated processes of Florida's rulemaking under Governor DeSantis should carry more weight than the consensus of major medical institutions.

The letter represents the latest attack on adult trans healthcare. In the last year, several states and organizations have indicated that trans adult healthcare is the next front for anti-trans policies. Florida recently passed a law that has blocked up to **80% of all trans healthcare** providers from practicing gender affirming care. Multiple states considered laws

banning gender affirming care up to the age of 21 or 26. Furthermore, nationally, anti-trans budget amendments are being considered during the shutdown fight, including a FDA amendment as well as an HHS provision that could target marketplace insurance plans that provide gender affirming care, with potential disastrous consequences for trans people nationwide.

The will of the Republican party to target all trans people appears to be growing. Not long ago, Michael Knowles advocated for transgender "eradication" at a CPAC event. Both Mike Pence and Vivek Ramaswamy have voiced support for national restrictions on gender-affirming care. This letter is one more example that the healthcare of all trans people is being targeted. Given their acknowledgement of transgender rights to all reproductive healthcare rights, it seems likely that they will not stop with transgender people should they prevail.

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Fresca Husky Oct 16 ♥ Liked by Erin Reed

This is why I am pushing to have all my surgeries done by election 2024, but I will not stop advocating for everyone. I'm trying to get a relocation grant proposal through the WA legislature using my connections with state and federal lawmakers. It's not an easy path but it's incredibly important.

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Amber Oct 16 ♥ Liked by Erin Reed

Never thought in grade school during the 90's how much 1850's America would be so eerily similar to 2020's America. In the game of progress America continues to fall down chutes and misses the ladders up. Excellent reporting Erin, and a powerful presence in the Matthew Shepherd Story. I will never forget those headlines as they pushed me further into the closet. Only to come out and now, this.

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4 replies by Erin Reed and others

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