

Name and Gender Change for Transgender and Gender Non-binary Clients: Frequently Asked Questions (FAQ)

1. What options are available for Gender Designation?

Department of Social Services/Human Resources Administration (DSS/HRA) clients may request a gender designation of F (Female), M (Male), or X (Not Male or Female).

What does the option “X” mean for gender designation? Many people identify as male or female, men or women (these are what we sometimes call “binary” gender options). However, some people do not identify as either men or women. This can include people who identify as “non-binary” (i.e. not male or female) as well as those who identify as “intersex.”

- “Non-binary” gender refers to a gender identity that is neither male nor female.
- “Intersex” refers to a wide range of conditions in which a person has biological traits that are not typical for either men or women. Note: Not all intersex people identify as “non-binary.”

Computer System Limitations of Gender X designation: New York State controls many of the benefit management computer systems used by HRA, and has not yet updated their computer systems to include the “X” designation. In the meantime, clients whose designation is “X” will need to select either “Male” or “Female” for the purposes of enrolling in benefits programs and meeting any immediate needs that you may have, even if you don’t agree with the selection. If you choose to not select “Male” or “Female”, HRA will not be able to process your application. You must check the box on the “Request to Change to Gender “X” in Human Resources Administration Records” (**HRA-138c**) form that matches your decision.

2. Does it matter which gender I choose?

There are some services, such as those related to health care and pregnancy, which are restricted by gender. Most differences in coverage, such as Medicaid procedures, can be resolved with the use of a “G” code (see page 2).

Pregnancy Allowance. Current policy permits a special allowance for those who are pregnant, subject to certain restrictions. State computer systems restrict pregnancy allowances to those with an “F” gender designation. For anyone who may seek a pregnancy allowance, selecting an “F” designation may be a better option for backup gender. Individuals with an “M” designation should reach out to their HRA location in order to request a pregnancy allowance.

3. **Some HRA forms make reference to a “Restriction/Exception” or “G” code – what is this code and why is it important?**

The “Restriction/Exception” or “G” is a code used in the state computer systems to prevent limits on payments for necessary and otherwise covered health services. This code is used transgender men and women, and can also be used for clients whose designation is “X.” If you request a gender change, a “Restriction/Exception” code will be applied to your case. You may also request this code even if you do not change your gender, using form **HRA-138, Request to Change Name and/or Gender in Human Resources Administration (HRA) Records.**

Insurance plans such as Medicaid restrict certain services by binary gender. Depending on what gender marker you have in the State systems, some services may not be covered. For example, a prostate exam might not automatically be covered for a transgender woman or non-binary person, or a visit to the gynecologist may not automatically be covered for a transgender man or non-binary person. Therefore, in order to avoid billing problems, a Restriction/Exception code can be entered into the state’s Medicaid billing system, eMedNY. The code “G1” is for transgender women, and the code “G2” is for transgender men.

Clients with “X” designations. G1 and G2 codes may also be applied for Gender X designations. If you have a gender X designation, you will first have to choose a binary gender option for state and federal reporting requirements. If you select “Female”, a G1 code may be given, and if you select Male, a G2 code may be given. This code will ensure that your gender does not limit payments for necessary and otherwise covered health services.

PLEASE NOTE: This code will be visible to any health care provider that accepts Medicaid. If you do not want the code applied to your case, please indicate this when requesting gender change. However, this may affect your services.

4. **How do I change my gender in HRA records?**

All requests to change gender designation to “X” should be submitted with a completed **HRA-138c form.**

All other gender change applicants should fill out and submit form **HRA-138, Request to Change Name and/or Gender in Human Resources Administration (HRA) Records.**

Additionally, you must submit to HRA **one** of the following documents:

- a New York State Driver License or Non-Driver ID showing your corrected or changed gender,
- a passport or birth certificate showing your corrected or changed gender,

4. How do I change my gender in HRA records? *(continued)*

- a letter from the Social Security Administration confirming your gender, or
- a signed and dated statement from a licensed physician, nurse practitioner, or physician's assistant who has treated you or reviewed your gender-related medical history. The statement must include language that you have undergone "appropriate clinical treatment" for a person diagnosed with gender dysphoria.

Once we have the required documents, your gender will be updated in the Welfare Management System (WMS), which is a state system used to track case and benefits information for HRA clients.

PLEASE NOTE: If you have health care through the New York State of Health, (also known as NYS Health Care Exchange or Marketplace) you will also need to change your gender there. It is a separate process. Please see section 5 below for more information.

5. How do I change my name in HRA records?

You must bring **one** of the following documents:

- a Court Order showing your new name;
- a New York State Driver License or Non-Driver ID showing your new name;
- a passport or birth certificate showing your new name;
- a letter from the Social Security Administration showing your new name.

You will also need to fill out form **HRA-138, Request to Change Name and/or Gender in Human Resources Administration (HRA) Records**. We recommend that you change your name with the Social Security Administration *before* doing so with HRA, because a mismatch between the two agencies could result in a disruption of your services. Once we have the required documents, your legal name will be updated in the Welfare Management System (WMS), which is a state system used to track case and benefits information for HRA clients.

PLEASE NOTE: If you have health care through the New York State of Health, (also known as NYS Health Care Exchange or Marketplace) you will also need to change your name there. It is a separate process. Please see section 6 on the following page for more information.

6. How do I change my name and/or gender with my New York State of Health (also known as NYS Health Care Exchange or Marketplace) insurance plan?

HRA does not have access to the computer systems used to manage health plans through the New York State of Health (“NYSoH”) exchange. Therefore, if you have a plan through NYSoH, you will have to contact NYSoH directly. The same documents listed above can be used to change name or gender with your NYSoH insurance plan. New York State of Health will also apply the Restriction/Exception code for your case. You may request these changes in one of the three following ways:



Upload the required document yourself, through your online account;



Fax the required document to New York State of Health Customer Service at 855-387-1363; or



Mail the document to:

New York State of Health
PO Box 11726
Albany, NY 12211

Please include a note explaining that you are changing name and/or gender.

6a. Can I change my gender designation to “X” through the NYSoH?

At this time, NYSoH may be unable to process requests for the “X” designation until New York State updates its computer systems.

7. How long will it take for HRA to process my request?

HRA makes every effort to complete this type of request within 14 days. Processing time with the New York State of Health may vary.

8. How do I get a new HRA benefit card?

A new Common Benefit Identification Card (CBIC) is generated whenever demographic information has changed, such as name or gender. However, as of May 1, 2015, benefit cards no longer display the cardholder’s gender. All new cards will be issued without a gender on them.

8. How do I get a new HRA benefit card? (*continued*)

If you need to request a new card for any reason, please call HRA's Infoline at 718-557-1399, request one online at www.nyc.gov/311 by searching "cbic" or visit one of the locations below:

CBIC LOCATIONS	
Manhattan: 109 East 16th Street - Ground Floor	Brooklyn: 227 Schermerhorn Street - Ground Floor
The CBIC sites are open Monday through Friday from 8:30 am to 7:15 pm (excluding holidays)	

9. Will my information be kept confidential?

All HRA staff members are required to maintain the confidentiality of the individuals they serve. Transgender or intersex status and information about a person's anatomy or medical history must be treated as confidential information. Any medical documentation submitted for the purposes of gender change or Restriction/Exception codes will be kept confidential, restricted to designated staff and disclosed only to the extent required to provide services. **However, please note that the Restriction/Exception codes will be visible to medical providers and pharmacists who use the state billing system.**

10. Will Medicaid cover gender-related surgeries for transgender and non-binary people?

Yes. As of March 11, 2015, hormone treatments and certain other medically necessary gender-affirming procedures, including many surgical procedures, are covered by New York State Medicaid and Medicaid Managed Care plans. The full list of covered procedures and more information about the requirements for coverage can be found by going to <http://www.health.ny.gov/> or <http://www1.nyc.gov/>. If you are refused service by a Medicaid provider or have questions about Medicaid-covered medical procedures, please contact the New York State Department of Health's Medicaid Helpline at 800-541-2831.

11. Who can I contact for more information?

- DSS's Office of Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Affairs at lgbtqi@dss.nyc.gov for questions about this publication or other HRA policies affecting LGBTQI people.

11. Who can I contact for more information? (continued)

- Your Medicaid Managed Care Plan for questions about what is covered, how to request coverage, and how to challenge denials of coverage. If you do not know your plan information, please contact the New York State of Health Helpline or Medicaid Helpline, below.
- New York State of Health Helpline for more information about changing name or gender with health plans managed by the NYSoH Exchange. Please call 855-355-5777 or 800-662-1220 for TTY.
- New York State Medicaid Helpline at 800-541-2831 for questions about transgender health care under New York State Medicaid.
- HRA's Infoline at 718-557-1399 for general information about your case or to request a new CBIC card. You may also email constituentaffairs@dss.nyc.gov, or contact 311.

12. Who should I contact if I have an issue or concern that the State computer systems won't recognize my legal right to not be forced into a designation that does not match my identity in order to get benefits?

- You may be able to contact the State of New York Office of Temporary and Disability Assistance (OTDA) Equal Opportunity and Diversity (EOD) by:



Telephone: 518-473-8555



email to: clientcomplaints@otda.ny.gov



Mail the document to:

State of New York Office of Temporary and Disability Assistance
Equal Opportunity and Diversity
40 North Pearl Street – 13A
Albany, NY 11243

- You can also contact the DSS's Office of Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Affairs at lgbtqi@dss.nyc.gov for information on how to challenge State computer restrictions on Gender X.