Trans Health Project

Working for Transgender Equal Rights

Wisconsin Medicaid Regulations and Guidance

Wisconsin Medicaid policy covers transgender-related health care.

Decisions:

Court Decision: [Flack v. Wisconsin Dep't of Health Servs., 395 F. Supp. 3d 1001 (W.D. Wis. 2019)](#)
Summary:

Struck down Wisconsin Medicaid exclusion under § 1557 of the Affordable Care Act, Availability and Comparability Provisions of the Medicaid Act, and Equal Protection.

The case settled for $2.2 million, including compensatory damages to the four individual Plaintiffs and attorney's fees and costs.

Guidance and Announcements:

Announcement: [ForwardHealth Provider Information, No. 2019-20 (Nov. 6, 2019)](#)

Historical Notes:

Trans care was explicitly excluded from 1996 until 2019 when *Flack* struck down [DHS 107.03(23)](#) ("Drugs, including hormone therapy, associated with transsexual surgery or medically unnecessary alteration of sexual anatomy or characteristics").

Notes:

When the exclusion was removed, a [Millman report](#), *Wisconsin Department of Health Services Capitation Rate Development January 1, 2020 through December 31, 2020 SSI Medicaid Managed Care Programs*, concluded, "DHS added coverage for transgender services in response to a permanent injunction signed on October 31, 2019. We did not apply an explicit adjustment to the capitation rates for this additional coverage because we determined the impact of this change is expected to be immaterial."

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