

Letter 47

From: [John Grunseth](#)
To: [ETF SMB GIB Feedback](#)
Subject: Complying with Federal Law - Gender Identity and Health Care
Date: Wednesday, January 11, 2017 1:26:52 PM
Attachments: [Ltr to AG Brad Schmel 1.9.17.doc](#)

Attached is a letter I sent to AG Schmel. It pertains to the direction the Wisconsin DOJ is advising the Group Insurance Board to take regarding gender identity matters in health care.

Not only is it important for the GIB to be in compliance with federal law, please know that the decision to be inclusive in health care for transgender (gender identity) folk can truly save lives.

Thank you.

John S Grunseth



John S. Grunseth

9 January 2017

Brad Schmel
Attorney General
Wisconsin Department of Justice
PO Box 7857
Madison WI 53707-7857

Dear General Schmel:

During my 29 year career as a human resources professional, I have always endorsed the tenants of the Civil Rights Act of 1964 as amended and have worked hard to uphold the directions set forth by the Equal Opportunity Employment Commission and the Wisconsin Equal Rights Division. In other words, I believe in fair treatment and equality under the law for all citizens; that includes health care coverage for transgender people.

With that stated, I have reviewed the Wisconsin DOJ's memo of 10 August 2016 by Andy Cook to the Wisconsin Group Insurance Board regarding the Employee Trust Fund proposed revision to the Uniform Benefits Provisions regarding "Gender Identity" for Health Services. It seems blatantly clear that your office is encouraging the Group Insurance Board to negate it's duties to adopt and enforce the intent of Health and Human Services as defined in Section 1557 of the Affordable Care Act and instead, continue to exclude "gender identity" regarding health care issues (including gender reassignment or sexual transformation).

I am aware the new administration and congress are keen on overturning a good portion of the ACA beginning this month. I also understand that you are basing your position to maintain the status quo on excluding gender identity on what "might" be changed once the ACD is repealed. That's akin to denying a disabled person employment based on what might happen in the future. I also know that to replace ACA with a new Republican plan may take years to accomplish. Right now we have the ACA, it's the law and we must abide by that law – regardless of political leanings. To openly exclude "gender identity" from health care coverage, or from protected class status for employment and housing is currently illegal and just plain wrong. This should not be a political issue; it's a human rights issue.

Keep in mind that the World Health Organization has stated, ***"Enjoyment of the highest attainable standard of health is one of the fundamental rights of***

every human being". Section 1 Equality; inherent rights as amended of the Wisconsin Constitution states, "**All people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness....**" Right now, transgender people often fear being free to be the person they are. Many have fears for their lives of not getting proper health care. If a transgender person can't get necessary health care, are denied employment or housing opportunities because of who they are, the pursuit happiness is also denied.

Please explain to me why gender identity should continue to be excluded from healthcare coverage, employment and housing when we provide protections for Lesbians and Gays. It certainly can't be based on cost as studies have shown that cost is not a factor (The Williams Institute, September 2013). Maybe it's based on social or religious issues. Both of which should be non-factors. This leads me to believe denial is based on fear, discriminatory views and unfounded assumptions about transgender people.

Politics aside, we should all be striving to be inclusive of every citizen. A good place to start is encouraging the ETF to provide coverage for gender identity folk.

I ask that your department reconsider the recommendation sent to the Group Insurance Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Megin McDonell', with a long horizontal flourish extending to the right.

CC Megin McDonell, Fair Wisconsin
Michael Farrell, Chair, Group Insurance Board
JP Wieske, Commissioner of Insurance