Alec Esquivel, an Oregon Court of Appeals clerk, is covered by the State of Oregon’s health insurance plan. Alec’s doctor recommended he undergo a hysterectomy because of a heightened risk for uterine and ovarian cancer.

But when Alec submitted his request for insurance coverage, it was denied. Lambda Legal is now suing the State of Oregon, arguing that the state’s antidiscrimination law prohibits an employer from denying insurance coverage on the basis of gender identity.


“I’ve heard of transgendered people being denied coverage for blood tests,” said Noah Lewis, a lawyer for the TLDEF in New York. “I heard a story about a transgender woman who was denied coverage for a broken arm after the insurance company determined the injury occurred while playing on a all-female baseball team.”


“My choices for health coverage at my employer all exclude any treatment for transgender issues, even though they cover things like hormones for other people.”


On the recommendation of her doctor, Beth Scott, a transwoman, had a mammogram to screen for breast cancer. Her insurance carrier, Aetna, denied coverage of the screening by saying that it was “related to changing sex.” Aetna stood by its conviction throughout a two-year appeals process.

The Transgender Legal Defense & Education Fund intervened, arguing that Aetna was discriminating just because Beth was transgender. Aetna eventually reversed its decision.

Beth and TLDEF were also able to secure clarifications in the plan that “transgender people can access all necessary sex-specific care, such as prostate exams and gynecological care, regardless of whether they are categorized as male or female in insurance records.”


“I was denied access to the same health care benefits that my co-workers receive.”

“T’m relieved to know that the existing exclusion can no longer be used to unfairly deny me other needed health care like a cancer screening just because I’m transgender.”