



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Letter to New York State Department of Health on Gender Affirming Care

SENATOR BRAD HOYLMAN-SIGAL, SENATOR SHELLY MAYER, SENATOR GUSTAVO RIVERA February 18, 2025

| ISSUE: **LGBTQ EQUALITY, LGBTQ, TRANSGENDER EQUALITY, NYS HEALTH DEPARTMENT**



February 18, 2025

Dear Commissioner McDonald:

As you know, recently at least two New York hospitals have confirmed they have paused providing gender affirming care to new patients under the age of 19.

In response, on February 3, 2025, Attorney General James sent a letter to all hospitals and medical providers across New York State that stated in no uncertain terms:

Electing to refuse services to a class of individuals based on their protected status, such as withholding the availability of services from transgender individuals based on their gender identity or their diagnosis of gender dysphoria, while offering such services to cisgender individuals, is discrimination under New York law.

We are writing to request that the New York State Department of Health (NYSDOH) issue a directive to all hospitals and medical providers alerting them to the Attorney General's position and ordering them not to halt gender affirming care because it is a violation of New York State law.

On February 11, during the Health/Medicaid Joint Budget Hearing, Senator Hoylman-Sigal asked you what NYSDOH was doing to protect the wellbeing of young transgender people in response to the Trump Administration's directive. You responded that NYSDOH was sending out guidance to hospitals "today or tomorrow" — but as of today, almost a week later, no guidance has been publicly posted. You elaborated that it was "really important" for hospitals and health care workers to understand their obligations to provide necessary care, continuity of care, and to not discriminate against patients —and yet, as far as we are aware, hospitals that paused providing gender affirming care to new patients under the age of 19 have not resumed scheduling appointments.

If these hospitals do not reverse their decisions and other healthcare providers follow, lives will be put at risk. Therefore, it is imperative that all providers be made aware of their legal obligation to provide any New Yorker with life-preserving gender affirming care, including those under 19. While it is our sincere hope that all New York hospitals and healthcare providers will prioritize the safety and well-being of their patients — especially during this period of uncertainty — we need clear directives from the NYSDOH to help ensure they do

so.

Please advise us what steps NYSDOH is taking to address this pressing matter (including by sharing any guidance that NYSDOH has provided to hospitals) at your earliest possible convenience.

Sincerely,

Senator Brad Hoylman-Sigal, Senator Shelley Mayer & Senator Gustavo Rivera

The response, which includes the guidelines sent to hospitals by the New York State Department of Health, [can be found here](#).