

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

CHRISTOPHER FAIN and **SHAUNTAE ANDERSON**; individually and on behalf of all others similarly situated,

Plaintiffs,

**Civil Action No. 3:20-cv-00740
Hon. Robert C. Chambers, Judge**

v.

WILLIAM CROUCH, in his official capacity as Cabinet Secretary of the West Virginia Department of Health and Human Resources; **CYNTHIA BEANE**, in her official capacity as Commissioner for the West Virginia Bureau for Medical Services; and **WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, BUREAU FOR MEDICAL SERVICES**,

Defendants.

AFFIDAVIT OF SARAH YOUNG

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA

I, Sarah Young, duly sworn, make oath upon my knowledge as follows:

1. I currently serve as the Deputy Commissioner of Policy and Operations for the West Virginia Bureau for Medical Services (WVBMS).
2. I have knowledge regarding the West Virginia State Medicaid Plan, including whether coverage is provided for certain procedures and diagnostic codes.
3. Surgical treatment for hypomastia is not a covered service under the West Virginia State Medicaid Plan; thus, mammoplasty or other breast augmentation for hypomastia is not a covered service under the West Virginia State Medicaid Plan.

4. The coverage determination for surgical treatment for hypomastia does not consider and is not affected by a patient's gender identity.

5. Likewise, surgical treatment for gynecomastia is not a covered service under the West Virginia State Medicaid Plan unless the patient's condition is symptomatic.

6. The coverage criteria for surgical treatment of gynecomastia require the patient's condition to cause physical symptoms. Psychosocial symptoms are not sufficient to meet the coverage criteria for surgical treatment of gynecomastia.

7. The coverage determination for surgical treatment for gynecomastia does not consider and is not affected by a patient's gender identity.

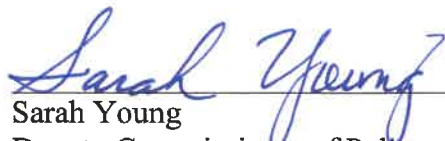
8. Surgical treatment is not a covered service under the West Virginia State Medicaid Plan for any DSM-V diagnosis.

9. The coverage determination for surgical treatment for any DSM-V diagnosis does not consider and is not affected by a patient's gender identity.

10. Surgical treatment, including mastectomy, is a covered service for breast cancer under the West Virginia State Medicaid Plan.

11. The coverage determination for surgical treatment for breast cancer does not consider and is not affected by a patient's gender identity.

AND FURTHER AFFIANT SAYETH NOT.



Sarah Young
Deputy Commissioner of Policy and Operations
West Virginia Bureau for Medical Services

NOTARY PAGE TO FOLLOW

Sworn and subscribed to before me this 27th day of May, 2022.

My commission expires: July 28, 2026

Kimberly M. O'Brien
NOTARY PUBLIC

[SEAL]

