The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

C.P., by and through his parents, Patricia Pritchard and Nolle Pritchard, individually and on behalf of others similarly situated; and PATRICIA PRITCHARD, Plaintiffs, v. BLUE CROSS BLUE SHIELD OF ILLINOIS, Defendant.	NO. 3:20-cv-06145-RJB DECLARATION OF ELEANOR HAMBURGER IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF PLAINTIFFS' CONSOLIDATED MOTION TO EXCLUDE EXPERT TESTIMONY **Note on Motion Calendar: November 18, 2022**

I, Eleanor Hamburger, declare under penalty of perjury and in accordance with the laws of the State of Washington and the United States that:

1. I am a partner at Sirianni Youtz Spoonemore Hamburger and am one of the attorneys for Plaintiffs in this action.

2. Attached are true and correct copies of the following documents, with underlining where appropriate for the Court's convenience:

Exhibit	Description	Date
1.	Email from Stephanie Bedard disclosing Dr. Michael Laidlaw's Bibliography	09/07/2022

SIRIANNI YOUTZ
SPOONEMORE HAMBURGER PLLC
3101 WESTERN AVENUE, SUITE 350
SEATTLE, WASHINGTON 98121
TEL. (206) 223-0303 FAX (206) 223-0246

Exhibit	Description	Date
2.	Excerpts of the transcript of the deposition of Michael Laidlaw, M.D., taken in this matter	09/02/2022
3.	APA Resolution on Gender Identity Change Efforts, adopted by the American Psychological Association in February 2021, a copy of which was entered as Exhibit 10 to the deposition of Michael Laidlaw, M.D., taken in this matter on September 2, 2022	02/2021
4.	Position Statement on Transgender Health of the Endocrine Society and Pediatric Endocrine Society	12/2020
5.	Position Statement on Access to Care for Transgender and Gender Diverse Individuals of the American Psychiatric Association	07/2018

DATED this 18th day of November, 2022, at Seattle, Washington.

/s/ Eleanor Hamburger

Eleanor Hamburger (WSBA #26478)
SIRIANNI YOUTZ SPOONEMORE HAMBURGER PLLC
3101 Western Avenue, Suite 350
Seattle, WA 98121
Tel. (206) 223-0303; Fax (206) 223-0303
Email: ehamburger@sylaw.com

Attorneys for Plaintiffs

Exhibit 1

Omar Gonzalez-Pagan

From: Bedard, Stephanie <Sbedard@kilpatricktownsend.com>
Sent: Wednesday, September 7, 2022 3:42 PM
To: Daniel Gross
Cc: Payton, Gwendolyn; Rountree, Ian; Neeleman, John; Ele Hamburger; Omar Gonzalez-Pagan; Jenny Pizer; Stacy Hoffman
Subject: RE: Lawton Burns Expert Report Materials
Attachments: Bibliography - Laidlaw.pdf; growth hormone bone density - MacKelvie 2002.pdf

Hi Daniel,

Yes, Bates stamp ranges BCBSIL_CP_19214-20052 and 0022289-022315 comprise the documents produced in response to the SDT issued to Dr. Burns. If you believe that anything is missing from that production, please let us know as soon as possible.

Also attached is Dr. Laidlaw's bibliography and an article requested during Dr. Laidlaw's deposition. We will note that many of the materials cited in Dr. Laidlaw's report and bibliography were already produced to Plaintiffs. *See* BCBSIL_CP_22453-23382.

Thanks,
Stephanie

Stephanie Bedard
Kilpatrick Townsend & Stockton LLP
Suite 2800 | 1100 Peachtree Street NE | Atlanta, GA 30309-4528
office 404 815 6039 | fax 404 541 3153
sbedard@kilpatricktownsend.com | My Profile | vCard

From: Daniel Gross <Daniel@sylaw.com>
Sent: Friday, September 2, 2022 7:06 PM
To: Bedard, Stephanie <Sbedard@kilpatricktownsend.com>
Cc: Payton, Gwendolyn <GPayton@kilpatricktownsend.com>; Rountree, Ian <IRountree@kilpatricktownsend.com>; Neeleman, John <JNeeleman@kilpatricktownsend.com>; Ele Hamburger <ele@sylaw.com>; Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Jenny Pizer <jpizer@lambdalegal.org>; Stacy Hoffman <stacy@sylaw.com>
Subject: Lawton Burns Expert Report Materials

Hello Stephanie –

Thank you for providing the Bates Stamp citations to the BPAs and SPDs shared by BCBSIL with Dr. Burns. It is my understanding that these materials, together with the Amended Complaint, and BCBSIL's fifth supplemental interrogatory responses to Plaintiffs' second set of discovery requests constitute all of the materials concerning the case that were provided by BCBSIL to Dr. Burns and that reflect the "evidence gleaned from depositions and documents produced in this litigation" that Dr. Burns considered, as referenced in paragraph 14(d), p. 6 of his report.

I am further aware that Defendant produced other documents in response to the SDT issued to Dr. Burns (a copy of which is attached) within the Bates stamp ranges of BCBSIL_CP_19214-20052, 0022289-022315. If there are other

documents that are responsive to the subpoena that you believe have been produced already, I would appreciate if you would identify them by Bates stamp number/range. If there are any documents that are responsive to the subpoena that you do not believe are privileged and that have not yet been produced), I would very much appreciate if you would provide them to me as soon as possible.

If you have any questions or concerns about producing any such materials promptly, please contact me as soon as reasonably possible. I am currently out of town and not able to check my email regularly. So, please (as usual) cc my co-counsel with any reply, and one of them can respond if I am unable to do so.

Many thanks,

Daniel

Daniel S. Gross
Sirianni Youtz Spoonemore Hamburger PLLC
3101 Western Ave., Ste. 350
Seattle, WA 98121
Phone: 206-223-0303x1014 ~ Fax: 206-223-0246
Direct Line: 206-838-3205
daniel@sylaw.com
www.syshlaw.com
preferred pronouns – he/him/his

Exhibit 2

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF F WASHINGTON

AT TACOMA

C.P., by and through his parents, Patricia Pritchard and Nolle Pritchard and PATRICIA PRITCHARD,

Plaintiffs,

vs.) No. 3:20-cv-06145-RJB

BLUE CROSS BLUE SHIELD OF ILLINOIS,

Defendant.

ZOOM VIDEO DEPOSITION UPON ORAL EXAMINATION

OF

MICHAEL LAIDLAW

9:00 a.m.

September 2, 2022

REPORTED BY: Pat Lessard, CCR #2104

about something here. If you see on request number five --

A. Uh-huh.

Q. -- it includes a listing of two Twitter accounts.

A. Yes.

Q. @gendersanity and @mlaidlawmd.

Do you recognize those Twitter accounts?

A. Yes.

Q. Were those Twitter accounts -- how did you recognize those Twitter accounts?

A. They are Twitter accounts that belong to me.

Q. Are either of the Twitter accounts active?

A. No.

Q. I'm going to stop sharing.

You did not include a bibliography with your report, is that correct?

MS. PAYTON: Object to the form.

A. I have a bibliography -- are you saying references to what I had written?

Q. (By Mr. Gonzalez-Pagan) No. I'm asking if you included an actual bibliography listing the full out references that you cited.

A. There should be. There should be.

Q. Do you want to review your report right in

front of you and let me know?

A. It's not part of it. There should be a bibliography. It started when I just printed -- I printed what you had sent to us but there should be a bibliography chronology.

MR. Gonzalez-Pagan: Okay. Ms. Payton, we have not been provided with a bibliography, and if there should be a bibliography attached to the report we ask that that be provided.

MS. PAYTON: Okay.

A. Yeah. I created a bibliography without a doubt.

Q. (By Mr. Gonzalez-Pagan) Okay. So we would ask that be provided to us and it should have been provided to us by our document request --

A. Sure.

Q. -- the request that we had made.

A. Sure.

MS. PAYTON: I understand. I don't know the answer as I sit here right now but I'll check. I'm checking right now.

Q. (By Mr. Gonzalez-Pagan) Are all the sources you relied on for your report listed within the report?

A. Yes.

Exhibit 3

AMERICAN PSYCHOLOGICAL ASSOCIATION

APA RESOLUTION on Gender Identity Change Efforts

FEBRUARY 2021

The foundational professional guideline for working with gender diverse persons acknowledges that, "Psychologists understand that gender is a nonbinary construct that allows for a range of gender identities and that a person's gender identity may not align with sex assigned at birth." (APA, 2015, p. 834). Gender identity refers to "a person's deep felt, inherent sense of being a girl, woman, or female; a boy, a man, or male; a blend of male or female; [or another] gender" (APA, 2015, p. 862). While gender refers to the trait characteristics and behaviors culturally associated with one's sex assigned at birth, in some cases, gender may be distinct from the physical markers of biological sex (e.g., genitals, chromosomes). Gender identity is also distinct from gender expression, which refers to "the presentation of an individual including physical appearance, clothing choice and accessories, and behaviors that express aspects of gender identity" (APA, 2015, p. 861). Cisgender refers to "a person whose gender identity aligns with sex assigned at birth" (e.g., an individual assigned female at birth who identifies as a woman/girl; APA, 2015, p. 861). Transgender is "an umbrella term used to describe the full range of people whose gender identity and/or gender role do not conform to what is typically associated with their sex assigned at birth" (APA, 2015, p. 863). For the purpose of this resolution, we are using a broad definition of transgender to include transgender women/girls, transgender men/boys, nonbinary individuals (i.e., people who may identify as a gender other than a woman/girl or a man/boy), and any individual who articulates a gender identity different from societal expectations based on their sex assigned at birth.

Some transgender and gender nonbinary individuals seek gender-affirming medical care (e.g., hormone therapy, surgery) while others do not. Similarly, some transgender and gender nonbinary individuals seek to change their gender marker and/or their name on legal documents, while others do not. In this resolution, we strive to be inclusive of all gender diversity regardless of a person's pursuance of social, medical, or legal transition.

The fields of psychiatry and psychology have a long history of pathologizing individuals and those who question their gender identity (Barkai, 2017; Benson, 2013; Bouman et al, 2014; Burke, 2011; Drescher, 2010; Nadal et al., 2010; Riggs et al. 2019). This history is informed by, and parallels, the larger Western and United States-based, medical-model, narratives that 1) define gender as binary and conflate it with physical markers, 2) define masculinity, and characteristics historically attributed to men/boys, as superior to femininity and characteristics historically attributed to women/girls, 3) create systems that confer privilege to cisgender people and label cisgender identities and expressions as normative, 4) discriminate against transgender and gender nonbinary individuals (Stryker, 2017).

Gender identity change efforts (GICE) refer to a range of techniques used by mental health professionals and non-professionals with the goal of changing gender identity, gender expression, or associated components of these to be in alignment with gender role behaviors that are stereotypically associated with sex assigned at birth, (Hill et al., 2010; SAMHSA, 2015). In addition to explicit attempts to change individuals' gender according to cisnormative pressures, GICE has also been a component of sexual orientation change efforts (SOCE). As intense focus on cisnormative conformity is a frequent characteristic of SOCE it is possible that authors in the literature describing sexual orientation change efforts misgendered their participants (Hipp et al., 2019). Moreover, "ex-gay" literature and discourse conceptualize gender diversity as a sin, a mental illness, and harmful, perpetuating cisgenderism and transmisogyny (Robinson & Spivey, 2019). Finally, Hipp et al. (2019) identified forms of GICE that are often not discussed in the psychological literature but that appear to disproportionately affect Black transgender and gender nonbinary individuals including violence, "church hurt" (i.e., religious or faith-based trauma), and gatekeeping from gender affirming care. These efforts may be referred to as "conversion therapies", "corrective" treatments, or "normalizing" therapies (Hill et al., 2010). However, to consider these techniques as therapies or treatments is inaccurate and inappropriate because, the incongruence between sex and gender in and of itself is not a mental disorder (World Health Organization, n.d.) so, any behavioral health or GICE technique or treatment that seeks to change an individual's gender identity or expression is not indicated; thus, any behavioral health or GICE effort that attempt to change an individual's gender identity or expression is inappropriate (Hill et al. 2010; SAMHSA, 2015).

With roots in this history, GICE are founded on the notion that any gender identity that is not concordant with sex assigned at birth is disordered, and that a cisgender identity is healthier, preferable, and superior to a transgender or gender nonbinary identity (Ansara & Hegarty, 2011; Hill et al., 2010; Robinson & Spivey, 2019).

GICE cause harm by reinforcing anti-transgender and anti-gender nonbinary stigma and discrimination (Turban et al., 2020); and by creating social pressure on an individual to conform to an

identity and/or presentation that may not be consistent with their sense of self (e.g., Bockting et al., 2013; Egan & Perry, 2001; Meyer, 2003; Nadal et al., 2012; Russell et al., 2012; Toomey et al., 2010; Sandfort et al., 2007). Furthermore, GICE are not supported by empirical evidence as effective practices for changing gender identity and are associated with psychological and social harm (Brinkman et al., 2014; Carr, 1998; Gagné & Tewksbury, 1998; Horn, 2007; Price et al., 2019; Smith & Leaper, 2006). The American Psychological Association (APA), as well as other healthcare organizations, (e.g., American Counseling Association, World Professional Association for Transgender Health) have established empirically-supported practice guidelines that encourage clinicians to use gender-affirming practices when addressing gender identity issues (ACA, 2010; APA, 2015; Coleman et al., 2012). Additionally, a number of national and international professional healthcare organizations have publicly warned against the harmful effects of GICE and SOCE (Sexual Orientation Change Efforts) by endorsing the United States Joint Statement Against Conversion Efforts (USJS, n.d.), including the American Academy of Family Physicians, American Academy of Nursing, American Association of Sexual Educators, Counselors and Therapists, American Counseling Association, American Medical Association, American Medical Student Association, American Psychoanalytic Association, The Association of LGBTQ Psychiatrists, Society for Affectional, Intersex, and Gender Expansive Identities, Clinical Social Work Association, GLMA: Health Professionals Advancing LGBTQ Equality, The Association of Lesbian, Gay, Bisexual, Transgender Addiction Professionals and their Allies, and the World Professional Association for Transgender Health. A growing number of states and municipalities have enacted laws that prohibit licensed mental health professionals from engaging in sexual orientation and gender identity change efforts with minors (Movement Advancement Project, n.d.)

GENDER DIVERSITY, STIGMA, AND DISCRIMINATION

WHEREAS diversity in gender identity and expression is part of the human experience and transgender and gender nonbinary identities and expressions are healthy, incongruence between one's sex and gender is neither pathological nor a mental health disorder (APA, 2009, 2015; SAMHSA, 2015);

WHEREAS gender diverse individuals experience cissexist discrimination and prejudice throughout the lifespan and life domains (APA, 2009) including significant discrimination in healthcare settings (Burnes et al., 2016; Fredriksen-Goldsen et al., 2014; Grant et al., 2011; James et al., 2016; Johns et al, 2019; Lambda Legal, 2010; Macapagal et al., 2016; Reisner et al., 2015; White Hughto et al., 2015);

WHEREAS the practice of GICE reinforces stigma and discrimination against transgender and gender diverse people (Turban et al., 2020);

WHEREAS gender-related bias, victimization, discrimination, criminalization, and forced-gender conformity experienced by transgender and gender nonbinary people are associated with poor psychosocial outcomes, such as heightened psychological distress, compromised overall wellbeing, and disparities across various contexts (e.g., healthcare, schools/education, workplace, law) (Bockting et al., 2013; dickey et al., 2016; Egan & Perry, 2001; Meyer, 2003; Nadal et al., 2012; Russell et al., 2012; Hendricks & Testa, 2012; Toomey et al., 2010; Sandfort et al., 2007);

WHEREAS invalidation and rejection of transgender and gender nonbinary identities and diverse gender expressions by others (e.g., families, therapists, school personnel) are forms of discrimination, stigma, and victimization, which result in psychological distress (Bockting et al., 2013; D'Augelli et al., 2006; Egan & Perry, 2001; Hendricks & Testa, 2012; Hidalgo et al., 2015; Landolt et al., 2004; Meyer, 2003; Nadal et al., 2012; Price, et al., 2019; Roberts et al., 2012; Sandfort et al., 2007; Stotzer, 2012; Russell et al., 2012; Toomey et al., 2010; Truong et al., 2020a, 2020b; Zongrone et al., 2020);

GICE AND RISKS OF HARM

WHEREAS individuals who have experienced pressure or coercion to conform to their sex assigned at birth or therapy that was biased toward conformity to one's assigned sex at birth have reported harm resulting from these experience such as emotional distress, loss of relationships, and low self-worth (Brinkman et al., 2014; Carr, 1998; Gagné & Tewksbury, 1998; Horn, 2007; Price et al., 2019; Smith & Leaper, 2006);

WHEREAS in one study of a large online sample of LGBTQ young people, those who reported experiencing change efforts were more than twice as likely to report having attempted suicide and having multiple suicide attempts as those who did not experience change efforts, (Green et al., 2020);

WHEREAS GICE have not been shown to alleviate or resolve gender dysphoria (Bradley & Zucker, 1997; Cohen-Kettenis & Kuiper, 1984; Gelder & Marks, 1969; Greenson, 1964; Pauly, 1965, SAMHSA, 2015);

WHEREAS GICE can cause undue stress and suffering and interfere with healthy sexual and gender identity development (Hiestand & Levitt, 2005; SAMHSA, 2015);

WHEREAS GICE can reduce one's willingness to pursue future mental health treatment (Craig et al., 2017);

WHEREAS GICE often involves the promotion of stereotyped gender behaviors consistent with cultural expectations (Coleman et al., 2012; Hill et al., 2010);

WHEREAS GICE are associated with harmful social and emotional effects for many individuals, including but not limited to, the onset or increase of depression, anxiety, suicidality, loss of sexual feeling, impotence, deteriorated family relationships, a range of post-traumatic responses, and substance abuse (c.f. Burnes et al., 2016; Green et al., 2020; SAMHSA 2015 for a review; Turban et al., 2019);

WHEREAS diverse gender expressions and transgender and gender nonbinary identities are not mental disorders (American Psychiatric Association, 2013) and many transgender and gender nonbinary individuals lead satisfying lives and have healthy relationships (APA, 2015; SAMHSA, 2015);

GENDER AFFIRMING PRACTICES

WHEREAS transgender and gender nonbinary people whose gender has been affirmed report increased quality of life (Ainsworth & Spiegel, 2010; APA, 2015; Gerhardstein & Anderson, 2010; Kraemer et al., 2008; Newfield et al., 2006);

WHEREAS self-determination in defining one's gender identity is a source of resilience for transgender and gender nonbinary people and associated with improvements in wellbeing and reductions in psychological distress (Menvielle & Tuerk, 2002; Pickstone-Taylor, 2003; Rosenburg, 2002; Singh et al., 2011; Singh et al., 2014);

WHEREAS individuals who have experienced gender-affirming psychological and medical practices report improved psychological functioning, quality of life, treatment retention and engagement, and reductions in psychological distress, gender dysphoria, and maladaptive coping mechanisms (Austin & Craig, 2015; de Vries et al., 2014; Haas et al., 2011; Sevelius, 2013; White Hughto & Reisner, 2016);

WHEREAS professional consensus recommends affirming therapeutic interventions for transgender and gender nonbinary adults who request that a therapist engage in GICE, and for trans youth whose parents/guardians or other custodians (e.g., state, foster care) request that a therapist engage in GICE (American Counseling Association, 2009; APA, 2012; 2015; American Psychiatric Association, 2018; Byne et al., 2012; Edwards-Leeper et al., 2016);

WHEREAS affirming therapeutic practices and guidelines recommend that the therapist should remain objective and nonjudgmental to the outcome, focusing on empowering the client to be active in exploring, discovering, and understanding their own identity (American Counseling Association, 2009; APA, 2012; 2015; American Psychiatric Association, 2018; Byne et al., 2012; Edwards-Leeper et al., 2016);

APA POLICY

WHEREAS APA opposes discrimination on the basis of gender identity, gender expression, and transgender and gender nonbinary identities, and actively opposes the adoption of discriminatory legislation (APA, 2008);

WHEREAS APA supports the passage of laws and policies protecting the legal rights and freedoms of transgender and gender nonbinary people, regardless of gender identity or expression (APA, 2008);

WHEREAS Psychologists' work is based upon established scientific and professional knowledge of the discipline. (APA, 2017b, p. 5);

WHEREAS APA recognizes that psychologists work is based upon Respect for People's Rights and Dignity (Principle E), Avoiding Harm (3.04), and Unfair Discrimination (3.01; APA, 2017b);

WHEREAS gender affirming psychotherapy is founded in clinical practice guidelines, and harm has not been identified for any of these gender-affirming treatment practices (APA, 2015, 2017b; Byne et al., 2012);

WHEREAS the APA policy and practice guidelines (e.g., Multicultural Guidelines: An Ecological Approach to Context, Identity, and Intersectionality; Guidelines for Psychological Practice with Transgender and Gender Nonconforming People) affirm that psychologists do not engage in discriminatory or biased practices and urge psychologists to take a leadership role in preventing discrimination towards transgender and gender diverse people (APA, 2009, 2015, 2017a);

WHEREAS APA's 2005 Policy Statement on Evidence-Based Practice in Psychology defines evidence-based practice as the integration of the best available research with clinical expertise in the context of patient characteristics, culture**,** and preferences (APA, 2005);

BE IT THEREFORE RESOLVED that consistent with the APA definition of evidence-based practice (APA, 2005), the APA affirms that scientific evidence and clinical experience indicate that GICE put individuals at significant risk of harm;

BE IT FURTHER RESOLVED that the APA opposes GICE because such efforts put individuals at significant risk of harm and encourages individuals, families, health professionals, and organizations to avoid GICE;

BE IT FURTHER RESOLVED that APA opposes the idea that incongruence between sex and gender is a mental disorder (Hill et al., 2010; SAMHSA, 2015; WHO).

BE IT FURTHER RESOLVED that after reviewing scientific evidence on GICE harm, affirmative treatments, and professional practice guidelines, the APA affirms GICE are associated with reported harm.

BE IT FURTHER RESOLVED that the APA opposes GICE because of their association with harm.

BE IT FURTHER RESOLVED that Transgender and gender nonbinary identities, as well as other gender identities that transcend culturally prescriptive binary notions of gender, represent normal variations in human expression of gender.

BE IT FURTHER RESOLVEDthat neither transgender or gender nonbinary identities nor the pursuit of gender-affirming medical care constitutes evidence of a mental disorder.

BE IT FURTHER RESOLVED that APA opposes portrayals of transgender and gender nonbinary people as mentally ill because of their gender identities and expressions.

BE IT FURTHER RESOLVED that evidence supports psychologists in their professional roles to use affirming and culturally relevant approaches with individuals of diverse gender expressions and identities.

BE IT FURTHER RESOLVED that APA is committed to promoting accurate scientific data regarding gender identity and expression in its own policy, public advocacy, judicial proceedings, media, and public opinion;

BE IT FURTHER RESOLVED that APA encourages collaboration between and among individuals and organizations to promote the wellbeing of transgender and gender nonbinary people;

BE IT FURTHER RESOLVED that the APA encourages psychologists to be aware of multiple and intersecting factors in identity, such as sex assigned at birth, gender expression, gender identity, age, race, ethnicity, religion, spirituality, socioeconomic status, disability, national origin, and sexual orientation in conceptualization, treatment, research, and teaching about transgender and gender nonbinary people;

BE IT FURTHER RESOLVED that the APA opposes the dissemination of inaccurate information about gender identity, gender expression, and the efficacy of GICE, including the claim that gender identity can be changed through treatment, the characterization of transgender or gender nonbinary identity as a mental disorder and the promotion of treatments that prescribe gender identity or expression consistent with one's birth-assigned sex as effective for clients with gender dysphoria;

BE IT FURTHER RESOLVED that APA encourages the development and dissemination of evidence-based, multiculturally-informed, and gender affirmative educational resources that inform psychologists, the community and education and mental health institutions about the harms of GICE;

BE IT FURTHER RESOLVED that APA re-affirms that APA (2015) encourages psychologists to:

- Acknowledge the diversity and complexity of identities and experiences and recognize transgender and gender nonbinary identities as healthy expressions of gender
- Recognize that descriptions of any gender identity or expression as unnatural, abhorrent, or unhealthy perpetuate stigma for sexual and gender minorities, and have negative mental health and social consequences
- Assist clients in a developmentally appropriate manner to explore and understand the cultural and familial influence on gender roles and expression. Psychologists are urged to help clients in a developmentally appropriate manner understand the societal contexts of sexism, heterosexism, transphobia, racism and other forms of social oppression, and to use a developmental multicultural- and gender-affirmative framework in research, teaching, training, and supervision;

BE IT FURTHER RESOLVED that the American Psychological Association opposes GICE because there is evidence of former participants reporting harm resulting from their experiences of GICE and the contribution that such efforts make to social stigma, injustice, and prejudice directed at gender diverse individuals, consistent with other major professional mental health associations, including the American Psychiatric Association (2018); American Counseling Association (2017), SAMHSA (2015), American Academy of Child & Adolescent Psychiatry (2018), World Health Organization (n.d.) and World Psychiatric Association (2016);

BE IT FURTHER RESOLVED that the APA, because of evidence of harm and lack of evidence of efficacy, supports public policies and legislation that prohibit, or aim to reduce GICE, cissexism, and anti-transgender and anti-gender nonbinary bias and that increase support for gender diversity;

BE IT FURTHER RESOLVED that the APA supports collaboration and partnerships with global, national and state and local partners to achieve the aims of this resolution;

BE IT FURTHER RESOLVED that the APA promotes professional training in gender-affirming practices and opposes professional training in GICE in any stage of the education of psychologists, including graduate training, continuing education, and professional development.

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Exhibit 4

ENDOCRINE SOCIETY
Hormone Science to Health

PES PEDIATRIC ENDOCRINE SOCIETY

TRANSGENDER HEALTH POSITION STATEMENT

INTRODUCTION

Over the last few decades, there has been a rapid expansion in the understanding of gender identity along with the implications for the care of transgender and gender diverse individuals. In parallel with the greater societal awareness of transgender individuals, evidence-based practices in caring for pediatric and adult transgender patients have been developed in response to scientific research. While there continue to be gaps in knowledge about the optimal care for transgender individuals, the framework for providing care is increasingly well-established as is the recognition of needed policy changes.

BACKGROUND

The medical consensus in the late 20th century was that transgender and gender incongruent individuals suffered a mental health disorder termed "gender identity disorder." Gender identity was considered malleable and subject to external influences. Today, however, this attitude is no longer considered valid. Considerable scientific evidence has emerged demonstrating a durable biological element underlying gender identity.[1,2] Individuals may make choices due to other factors in their lives, but there do not seem to be external forces that genuinely cause individuals to change gender identity.

Although the specific mechanisms guiding the biological underpinnings of gender identity are not entirely understood, there is evolving consensus that being transgender is not a mental health disorder. Such evidence stems from scientific studies suggesting that: 1) attempts to change gender identity in intersex patients to match external genitalia or chromosomes are typically unsuccessful[1,2]; 2) identical twins (who share the exact same genetic background) are more likely to both experience transgender identity as compared to fraternal (non-identical) twins[3]; 3) among individuals with female chromosomes (XX), rates of male gender identity are higher for those exposed to higher levels of androgens *in utero* relative to those without such exposure, and male (XY)-chromosome individuals with complete androgen insensitivity syndrome typically have female gender identity[4]; and 4) there are associations of certain brain scan or staining patterns with gender identity rather than external genitalia or chromosomes.[1,2]

CONSIDERATIONS

Transgender individuals are often denied insurance coverage for appropriate medical and psychological treatment. Those gender diverse youth who have barriers to accessing adequate healthcare have poorer overall physical and mental health compared to their cisgender peers.[5] Over the last decade, there has been considerable research on and development of evidence-based standards of care that have proven to be both safe and efficacious for the treatment of gender dysphoria/gender incongruence in youth and adults. There is also a growing understanding of the positive impact that increased access to such treatments can have on the mental health of these individuals.

The Endocrine Society's Clinical Practice Guideline on gender dysphoria/gender incongruence[6] provides the standard of care for supporting transgender individuals. The guideline establishes a methodical, conservative framework for gender-affirming care, including pubertal suppression, hormones and surgery and standardizes terminology to be used by healthcare professionals. These recommendations include evidence that treatment of gender dysphoria/incongruence is medically necessary and should be covered by insurance.

Despite increased awareness, many barriers to improving the health and well-being of transgender youth and adults remain. Oftentimes, medical treatment for gender dysphoria/gender incongruence is considered elective by insurance companies, which fail to provide coverage for physician-prescribed treatment. Access to appropriately trained healthcare professionals can also be challenging as there

[1]Saraswat A, Weinand JD, Safer JD. Evidence supporting the biologic nature of gender identity. *Endocr Pract.* Feb 2015;21(2):199-204. doi:10.4158/ep14351.ra

[2]Rosenthal SM. Approach to the patient: transgender youth: endocrine considerations. *J Clin Endocrinol Metab.* Dec 2014;99(12):4379-89. doi:10.1210/jc.2014-1919

[3]Heylens G, De Cuypere G, Zucker KJ, et al. Gender identity disorder in twins: a review of the case report literature. *J Sex Med.* Mar 2012;9(3):751-7. doi:10.1111/j.1743-6109.2011.02567.x

[4]Dessens AB, Slijper FM, Drop SL. Gender dysphoria and gender change in chromosomal females with congenital adrenal hyperplasia. *Arch Sex Behav.* Aug 2005;34(4):389-97. doi:10.1007/s10508-005-4338-5

[5]Rider GN, McMorris BJ, Gower AL, Coleman E, Eisenberg ME. Health and Care Utilization of Transgender and Gender Nonconforming Youth: A Population-Based Study. *Pediatrics.* 2018;141(3):e20171683. doi:10.1542/peds.2017-1683

[6]Hembree WC, Cohen-Kettenis PT, Gooren L, et al. Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline. *J Clin Endocrinol Metab.* Nov 1 2017;102(11):3869-3903. doi:10.1210/jc.2017-01658

is a lack of formal education on gender dysphoria/gender incongruence among clinicians trained in the United States. A 2016 survey of endocrinologists, the physicians most likely to care for these patients, found that over 80% have never received training on care of transgender patients.[7]

This can have an adverse impact on patient outcomes, particularly in rural and underserved areas. In fact, studies have indicated that 70% of transgender individuals have experienced maltreatment by medical providers, including harassment and violence.[7] Many transgender individuals have been subjected to conversion therapy, or efforts to change a transgender person's gender identity using psychological interventions; this is known to be associated with adverse mental health outcomes, including suicidality, and is banned in 20 states and the District of Columbia.[8]

Transgender individuals who have been denied care show an increased likelihood of dying by suicide and engaging in self-harm.[7] Transgender/gender incongruent youth who had access to pubertal suppression, a treatment which is fully reversible and prevents development of secondary sex characteristics not in alignment with their gender identity, have lower lifetime odds of suicidal ideation compared to those youth who desired pubertal suppression but did not have access to such treatment.[9] Youth who are able to access gender-affirming care, including pubertal suppression, hormones and surgery based on conservative medical guidelines and consultation from medical and mental health experts, experience significantly improved mental health outcomes over time, similar to their cis-gender peers.[10-12] Pre-pubertal youth who are supported and affirmed in their social transitions long before medical interventions are indicated, experience no elevation in depression compared to their cis-gender peers.[12] It is critical that transgender individuals have access to the appropriate treatment and care to ensure their health and well-being.

FUTURE CONSIDERATIONS

While the data are strong for both a biological underpinning to gender identity and the relative safety of hormone treatment (when appropriately monitored medically), there are gaps in knowledge that are necessary to address in order to optimize care. Comparative effectiveness research in hormone regimens is needed to determine: the best endocrine and surgical protocols[13], as it is not yet known if certain regimens are safer or more effective than others; the degree of improvement as a result of the intervention (e.g. decrease in mental health diagnoses); the need for training of health care providers and the most effective training methods; and to build the body of evidence pertaining to cardiovascular, malignancy, or other long-term risks from hormone interventions, particularly as the transgender individual ages. Additional studies are needed to elucidate the biological processes underlying gender identity; such studies may lead to destigmatization and may also decrease health disparities for gender minorities. In addition, further studies are needed to determine strategies for fertility preservation and to investigate long-term outcomes of early medical intervention, including pubertal suppression, gender-affirming hormones and gender-affirming surgeries for transgender/gender incongruent youth. To successfully establish and enact these protocols requires long-term, large-scale studies across countries that employ similar care protocols.

POSITIONS

- There is a durable biological underpinning to gender identity that should be considered in policy determinations.
- Medical intervention for transgender youth and adults (including puberty suppression, hormone therapy and medically indicated surgery) is effective, relatively safe (when appropriately monitored), and has been established as the standard of care.[6] Federal and private insurers should cover such interventions as prescribed by a physician as well as the appropriate medical screenings that are recommended for all body tissues that a person may have.
- Increased funding for national pediatric and adult transgender health research programs is needed to close the gaps in knowledge regarding transgender medical care and should be made a priority.

[7]Davidge-Pitts C, Nippoldt TB, Danoff A, Radziejewski L, Natt N. Transgender Health in Endocrinology: Current Status of Endocrinology Fellowship Programs and Practicing Clinicians. *J Clin Endocrinol Metab*. Apr 1 2017;102(4):1286-1290. doi:10.1210/jc.2016-3007

[8]Turban JL, Beckwith N, Reisner SL, Keuroghlian AS. Association Between Recalled Exposure to Gender Identity Conversion Efforts and Psychological Distress and Suicide Attempts Among Transgender Adults. *JAMA Psychiatry*. Sep 11 2019;77(1):1-9. doi:10.1001/jamapsychiatry.2019.2285

[9]Turban JL, King D, Carswell JM, Keuroghlian AS. Pubertal Suppression for Transgender Youth and Risk of Suicidal Ideation. *Pediatrics*. Feb 2020;145(2)doi:10.1542/peds.2019-1725

[10]de Vries AL, McGuire JK, Steensma TD, Wagenaar EC, Doreleijers TA, Cohen-Kettenis PT. Young adult psychological outcome after puberty suppression and gender reassignment. *Pediatrics*. Oct 2014;134(4):696-704. doi:10.1542/peds.2013-2958

[11]Kuper LE, Stewart S, Preston S, Lau M, Lopez X. Body Dissatisfaction and Mental Health Outcomes of Youth on Gender-Affirming Hormone Therapy. *Pediatrics*. Apr 2020;145(4)doi:10.1542/peds.2019-3006

[12]Achille C, Taggart T, Eaton NR, et al. Longitudinal impact of gender-affirming endocrine intervention on the mental health and well-being of transgender youths: preliminary results. *Int J Pediatr Endocrinol*. 2020;2020:8. doi:10.1186/s13633-020-00078-2

[13]Safer JD, Tangpricha V. Care of the Transgender Patient. *Ann Intern Med*. Jul 2 2019;171(1):ltc1-itc16. doi:10.7326/aitc201907020

Exhibit 5

APA Official Actions

Position Statement on Access to Care for Transgender and Gender Diverse Individuals

Approved by the Board of Trustees, July 2018
Approved by the Assembly, May 2018

"Policy documents are approved by the APA Assembly and Board of Trustees. . . . These are . . . position statements that define APA official policy on specific subjects. . ." – *APA Operations Manual*

Issue:
Significant and long-standing medical and psychiatric literature exists that demonstrates clear benefits of medical and surgical interventions to assist gender diverse individuals seeking transition. However, private and public insurers often do not offer, or may specifically exclude, coverage for medically necessary treatments for gender transition. Access to medical care (both medical and surgical) positively impacts the mental health of transgender and gender diverse individuals.

The APA's vision statement includes the phrase: "Its vision is a society that has available, accessible, quality psychiatric diagnosis and treatment," yet currently, transgender and gender diverse individuals frequently lack available and accessible gender-affirming treatment. In addition, APA's values include the following points:

- best standards of clinical practice
- patient-focused treatment decisions
- scientifically-established principles of treatment
- advocacy for patients

Transgender and gender diverse individuals currently lack access to the best standards of clinical practice, do not have the opportunity to pursue patient-focused gender-affirming treatment decisions, and do not receive scientifically-established treatment. They could benefit significantly from APA's advocacy.

Position:

Therefore, the American Psychiatric Association:

1. **Recognizes that appropriately evaluated transgender and gender diverse individuals can benefit greatly from medical and surgical gender-affirming treatments.**
2. **Advocates for removal of barriers to care and supports both public and private health insurance coverage for gender transition treatment.**
3. **Opposes categorical exclusions of coverage for such medically necessary treatment when prescribed by a physician.**
4. **Supports evidence-based coverage of all gender-affirming procedures which would help the**

mental well-being of gender diverse individuals

Authors:
Authors: Jack Drescher, M.D., Ellen Haller, M.D., APA Caucus of Lesbian, Gay and Bisexual Psychiatrists. Revised 2017 Eric Yarbrough, M.D., APA Caucus of LGBTQ Psychiatrists and the Council on Minority Mental Health and Health Disparities