



Transgender Legal Defense & Education Fund

Working for Transgender Equal Rights

## **Victory! Georgia Federal Court Rules that Employers Who Refuse to Cover Gender Affirming Care Violate Federal Law**

Lange\_Website

(MACON, GA - June 3, 2022) - A Georgia federal district court [\*\*issued a landmark ruling\*\*](#) on Thursday holding that an employer cannot exclude or deny coverage for gender affirming care from its employee health insurance plan. The ruling in *Lange v. Houston County* found Houston County, Georgia had violated protections afforded under Title VII of the Civil Rights Act of 1964.

The Transgender Legal Defense & Education Fund (TLDEF) filed a lawsuit in 2019 on behalf of Anna Lange, a Sheriff's Deputy for Houston County, Georgia, who was repeatedly denied insurance coverage for her medically necessary gender-affirming care.

"It's a huge relief to know that I can finally receive the medically necessary care that I was repeatedly and unfairly denied," said **TLDEF client Anna Lange**. "I can confidently move forward with my life knowing that gender affirming care is protected under federal law. This decision is not only a personal victory, but a tremendous step forward for all transgender Southerners who are seeking insurance coverage for medically necessary care."

"The Court's decision makes clear that depriving transgender people of healthcare is not only immoral but also illegal," said **TLDEF Legal Director David Brown**. "An employer cannot refuse health coverage to a transgender

employee who needs access to medically necessary, life-saving care. This ruling will have transformative impact on the quality of life for countless transgender people who live in the South.”

“We are pleased that the Court recognized the County’s discriminatory treatment of Anna and that she will now get the medically necessary care she needs,” said **Wesley Powell, partner at Willkie Farr & Gallagher LLP**, who served as co-counsel with TLDEF.

Anna Lange has worked in law enforcement for 25 years, with 16 of those years serving as a Sheriff’s Deputy in Houston County, Georgia. In 2017, Sgt. Lange came out to her employer as a transgender woman and began living openly as her authentic self both at her workplace and community. In Chief Judge Marc T. Treadwell’s 33-page ruling, Sgt. Lange was described as “an exceptional employee who has ‘performed her duties as an investigator very well’ throughout her tenure.”

Sgt. Lange was diagnosed with gender dysphoria by her healthcare provider and was prescribed gender affirming care as recommended by the [World Professional Association for Transgender Health \(WPATH\)](#). In her attempts to seek out this care, she learned that Houston County unlawfully excluded gender affirming care from coverage under its employee health plan. Sgt. Lange and her attorneys repeatedly attempted to persuade her employer to reconsider its decision, testifying before the Houston County Board of Commissioners and filing charges with the Equal Employment Opportunity Commission.

As part of the ruling, the Court relied on the U.S. Supreme Court’s 2020 ruling in *Bostock v. Clayton County, Georgia*, which held that transgender people are protected from discrimination under Title VII of the Civil Rights Act of 1964. In the Court’s decision, Chief Judge Treadwell wrote, “The implication of *Bostock* is clear... *Bostock* covers any possible intended point — discrimination on the basis of transgender status is discrimination on the basis of sex and is a violation of Title VII.”

The Court also found that Houston County knowingly excluded gender affirming care from its health insurance plan despite receiving guidance from the County’s insurance administrator, who advised it was unlawful to maintain the exclusion under Section 1557 of the Affordable Care Act.

Anna Lange is one of more than 500,000 transgender people who live in the South according to population studies conducted by the [Williams Institute](#) at the UCLA School of Law. One quarter of transgender people who live in the United States were denied insurance coverage for gender affirming care according to the most recent [United States Transgender Survey](#). Additionally, 55% percent of survey respondents were denied coverage for surgical procedures.

TLDEF attorneys **David Brown and Gabriel Arkles** represent the plaintiff, along with the law firm **Willkie Farr & Gallagher LLP** in New York City (led by attorneys Wesley Powell, Jill Grant, and Catherine Fata); the law firm **Cooper, Barton & Cooper** in Macon, Georgia (attorneys Ken Barton and Devlin Cooper); and **Professor Kevin Barry** of the Quinnipiac University

School of Law Legal Clinic in North Haven, Connecticut. Former TLDEF attorneys **Alejandra Caraballo** and **Noah Lewis** also worked on the lawsuit.

**Transgender Legal Defense and Education Fund (TLDEF)** is a national legal advocacy organization that uses public education, test-case litigation, direct legal services, and public policy efforts to achieve lived and legal equality for transgender people and to end all discrimination based on gender identity and expression. <https://transgenderlegal.org>

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