

# Transgender Older Adults & Medicare Fraud Prevention

The word “fraud” is a loaded one for many transgender people, as sometimes those who do not understand about gender identity have falsely accused transgender people of trying to “deceive” or “defraud” people about their “real” identity.

We know this could not be further from the truth; the point of many of the changes transgender people make in how they look and act is to be truthful and to help others see who they truly are inside.

As a transgender person, this history of being insulted by the word “fraud” may make it hard for you to discuss Medicare and Medicaid fraud, because use of that word may make those conversations at first feel personal and accusing. That is not at all the intention of those who work and volunteer for the government’s Senior Medicare Patrol (SMP). SMP volunteers know that there are many health care providers out there who are mistakenly or even deliberately using honest Medicare and Medicaid beneficiaries’ identities – including but certainly not limited to the identities of transgender beneficiaries – to steal money from the government. It is this Medicare fraud that the program is designed to prevent and identify, so that government health dollars all go to the right purpose: providing needed health care. If a health care provider has used your identity in a fraudulent way, it is that provider who is in the wrong, not you!

This fact sheet will not review the general fraud prevention and detection advice everyone, including transgender people, should follow, as there are many excellent SMP educational materials available at [smpresource.org](http://smpresource.org).

This fact sheet will address several other trans-related Medicare and Medicaid issues that may come up.



For further information on Medicare and accessing healthcare and transgender people you may find the following national transgender advocacy organizations helpful:

National Center for Transgender Equality at [transequality.org](http://transequality.org)

Transgender Law Center at [transgenderlawcenter.org](http://transgenderlawcenter.org)

FORGE Transgender Aging Network at [forge-forward.org/aging](http://forge-forward.org/aging)

## Questions about Identity

Many transgender people do not have completely updated and correct identification papers, such as driver's license and Medicare card. If the name and/or gender marker on your card or ID is not correct, this is not necessarily a problem and is certainly not "fraud." Like someone who may have recently gotten married (or divorced) and changed their last name, you may need to explain why your documentation is not correct. You may even need to provide some documentary proof that you are who you say you are. Even if someone is confused or upset because they've never met a transgender person before and don't know what to do, calmly point out that other people sometimes have outdated cards and insist that normal policies be followed for resolving such issues.

## Gender-related services

Some services like prostate exams and pap smears are considered sex-linked, and computerized systems may reject a bill as "fraudulent" if, for example, it says a mammogram was performed on a male Medicare beneficiary. In many cases, this automatic rejection can be prevented by using a special Medicare code – condition code 45 – to tell the system that there has not been a mistake; these services were appropriate for this particular person's body parts. (This code doesn't work for Medicare Advantage, Medicare Cost Plus, or Medicare Part D claims.)

## Transgender-related services

In May 2014, Medicare eliminated its categorical exclusion of care related to a gender transition. Although many transgender Medicare beneficiaries were already accessing hormones, related laboratory tests, and the like without any difficulty, the new ruling should help ensure you can access all the care you and your health care providers believe you need, now including surgery. Unfortunately, although surgery can now be paid for, it may still be very hard to get, as few U.S.-based surgeons who specialize in genital or chest surgery take Medicare. If you have found a willing provider and your request for coverage determination is turned down, you should follow the same appeal procedures as any other Medicare beneficiary.

## How Your Senior Medicare Patrol (SMP) Can Help

Your local SMP is a group of highly trained staff and volunteers who will provide you with the support you need to prevent and report Medicare fraud.

Find your SMP by visiting [www.smpresource.org](http://www.smpresource.org) or calling 877-808-2468.

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