

3701-3-17

Reporting Gender-Related Condition Diagnoses and Gender Transition Care.

(A) As used in this rule:

- (1) "Biological sex," "birth sex," and "sex" mean the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.
- (2) "Cross-sex hormone" means testosterone, estrogen, or progesterone given to a minor individual in an amount greater than would normally be produced endogenously in a healthy individual of the minor individual's age and sex.
- (3) "Gender reassignment surgery" means any surgery performed for the purpose of assisting an individual with gender transition that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's biological sex, in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's birth sex, including genital or non-genital gender reassignment surgery.
- (4) "Gender-related condition" means any condition where an individual feels an incongruence between the individual's gender identity and biological sex. "Gender-related condition" includes gender dysphoria.
- (5) "Gender transition" means the process in which an individual goes from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex, including social, legal, or physical changes.
- (6) "Gender transition services" means any medical or surgical service (including physician services, inpatient and out patient hospital services, or prescription drugs or hormones) provided for the purpose of assisting an individual with gender transition that seeks to alter or remove physical or anatomical characteristics or features that are typical for the individual's biological sex, or to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's birth sex, including medical services that provide puberty blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features in the opposite sex, or genital or non-genital gender reassignment surgery.

(7) "Genital gender reassignment surgery" means surgery performed for the purpose of assisting an individual with gender transition and includes both of the following:

(a) Surgeries that sterilize, such as castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy;

(b) Surgeries that artificially construct tissue with the appearance of genitalia that differs from the individual's biological sex, such as metoidioplasty, phalloplasty, and vaginoplasty.

(B) A health care provider is obligated to report to the Department of Health within thirty business days any:

(1) diagnosis of a gender-related condition within thirty business days of such diagnosis or treatment;

(2) prescription, initiation, or provision of treatment for said diagnosis including:

(a) gender reassignment surgery

(b) gender-transition services

(c) genital gender reassignment surgery

(3) cessation of treatment for a gender-related condition and the reason for such cessation; or

(4) any change of treatment plan for the purpose of detransitioning.

(C) A health care provider is obligated to submit reports identified in paragraph (B) of this rule using forms and formats approved by the director of health.

(1) At minimum, the forms and formats approved by the director of health will include:

(a) The age of the individual receiving a diagnosis, treatment, or cessation of treatment;

(b) The biological sex of the individual receiving a diagnosis, treatment, or cessation of treatment;

(c) Specific information about the nature of any diagnosis or the type of treatment being provided including, but not limited to, the names of any drugs or hormones.

- (d) Basic demographic information that will not lead to the disclosure of individual identities as determined by the director of health
- (2) The forms and formats approved by the director will not include patient names, addresses, or other personally identifiable information as determined by the director of health
- (D) Beginning January 31, 2025, the Department of Health will share aggregate data collected, absent any information that would lead to the disclosure of individual identities as determined by the director of health, pursuant to this rule with the General Assembly and the public on or before January 31 and July 31 of each calendar year.
- (E) Information reported pursuant to this rule is protected health information subject to section 3701.17 of the Revised Code. Information that does not identify an individual is not protected health information and may be released in summary, statistical, or aggregate form.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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