

3701-83-61

Quality Standards for Gender Transition Treatment at Health Care Facilities.

(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-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.
- (4) "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.
- (5) "Health Care Facility" means:
 - (a) An ambulatory surgical facility;
 - (b) A freestanding dialysis center;
 - (c) A freestanding inpatient rehabilitation facility;
 - (d) A freestanding birthing center;
 - (e) A freestanding radiation therapy center;
 - (f) A freestanding or mobile diagnostic imaging center.
- (6) "Mental health professional" means all of the following:
 - (a) Either of the following advanced practice registered nurses who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as an advanced practice registered nurse:

- (i) A clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center;
 - (ii) A certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center.
 - (b) A physician specializing in psychiatry;
 - (c) A psychologist, school psychologist, or independent school psychologist licensed under Chapter 4732. of the Revised Code or under rules adopted in accordance with sections 3301.07 and 3319.22 of the Revised Code;
 - (d) An independent social worker, social worker, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code.
- (B) It is impermissible for a health care facility to provide to a minor individual any pharmacologic treatment such as the prescription of drugs or hormones for the purpose of treating a gender-related condition or assisting with gender transition unless the following standards are met:
 - (1) The health care facility either employs or has available for referral a mental health professional with experience treating minor individuals;
 - (2) The health care facility either employs or has available for referral a board-certified endocrinologist with experience treating minor individuals;
 - (3) The health care facility has available for inspection upon request of the Department of Health an institutional, programmatic level, written, comprehensive, multi-disciplinary care plan which includes, at a minimum, the following:
 - (a) A demonstrably active role in the minor individual's care by the professionals listed in paragraphs (B)(1) and (B)(2) of this rule and other appropriate disciplines including availability for in-person care and consultation when necessary;
 - (b) Sufficient informed consent for both minor individuals receiving care and the minor individual's parents, guardian, or custodian;
 - (i) The informed consent notice will include specific information about which treatments can and cannot be fully or partially undone or reversed;

- (ii) The informed consent notice will include information about which treatments are or are not being offered off-label based on FDA approval.
 - (c) A detailed plan of action for individuals seeking to detransition or cease treatment.
 - (4) The minor individual has received not less than six months of comprehensive mental health counseling and evaluation provided by a mental health professional, documentation of which is obligated to be included in said minor individual's medical record.
- (C) Notwithstanding paragraphs (B)(1), (B)(2), and (B)(3) of this rule, a physician practicing at a non-compliant health care facility may continue to prescribe a cross-sex hormone or puberty-blocking drug to a minor individual if the physician has done both of the following:
 - (1) Initiated a course of treatment for the minor individual prior to the effective date of this section that includes the prescription of a cross-sex hormone or puberty-blocking drug;
 - (2) Determined and documented in the minor individual's medical record that terminating the minor individual's prescription for the cross-sex hormone or puberty-blocking drug would cause harm to the minor individual.
- (D) Notwithstanding paragraph (B)(4) of this rule, a minor individual may continue to receive treatment using cross-sex hormones or puberty-blocking drugs without first receiving not less than six months of comprehensive mental health counseling and evaluation provided by a mental health professional if the treatment was initiated prior to the effective date of this rule.
- (E) This rule does not prohibit treating, including by performing surgery on or prescribing drugs or hormones for, a minor individual who meets any of the following:
 - (1) Was born with a medically verifiable disorder of sex development, including an individual with external biological sex characteristics that are irresolvably ambiguous, such as an individual born with forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue;
 - (2) Received a diagnosis of a disorder of sexual development, in which a physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a biological male or biological female;

(3) Needs treatment for any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition services, whether or not the services were performed in accordance with state or federal law.

(F) In the event that any provisions of this rule conflict with statutory law or judicial decision, such law or decision supersedes.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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| Promulgated Under: | 119.03 |
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