



TLDEF Sues Tennessee for Denying Transgender-Inclusive Health Coverage to Employees

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(Nashville, May 24, 2023) - Transgender Legal Defense & Education Fund (TLDEF) [filed a federal lawsuit](#) against Tennessee officials today for discrimination in state employee health care. The State of Tennessee Comprehensive Medical and Hospitalization Program, the state's public employee health plan that covers approximately 290,000 Tennesseans, including employees of state agencies and public school districts, and their family members, categorically excludes coverage for transgender-related health care.

“The only reason the State of Tennessee refuses to provide these women with coverage for medically necessary health care is because they are transgender,” said **Ezra Cukor**, TLDEF staff attorney. “This is clearly unlawful discrimination that jeopardizes the health of hardworking state employees and their families.”

Along with Covington & Burling LLP, TLDEF is representing one current state employee and one former state employee, both of whom were denied coverage under the plan for medically necessary health care because they are transgender.

“It took years of careful consideration before I was finally in a position to move forward with surgical care, an important part of my transition,” said plaintiff **Gerda Zinner**. “Knowing that the only reason I can't get the care that my doctors and I have decided that I need is because I'm transgender is hurtful and makes me feel second-class.”

“Working with students who have special needs was one of the greatest joys of my life, but it was excruciating to be denied coverage for needed health care simply because I'm transgender,” said plaintiff **Story VanNess**.

Gerda Zinner, 30, is a transgender woman who lives in Hamilton County, Tennessee. An historian and educator, Gerda has been employed as an academic advisor by the University of Tennessee at Chattanooga since 2019. Despite being enrolled in the same plan as thousands of other University of Tennessee employees and making numerous requests, Gerda was denied a medically necessary surgery because her health care plan categorically excludes care for transgender people.

Story VanNess, 38, is a transgender woman who lives in Knox County, TN. Having worked as a special education teacher for Knox County Schools for five years, she also was enrolled in the state's local education plan, but when Story sought to have transition-related surgery after consultation with her doctor, her therapist, and two surgeons, she was denied coverage because the state's program excludes medically necessary procedures for transgender people seeking transition-related care, but allows those same procedures for cisgender people.

“Federal laws protect transgender people from workplace discrimination on the basis of sex. This lawsuit seeks to ensure that the State of Tennessee and its affiliates stop wrongfully excluding medically necessary transition-related care from their employee health care plans,” said **Darren Teshima, Partner at Covington & Burling LLP**. “Covington is very proud to partner with our co-counsel and clients in this important work.”

In the lawsuit filed today, TLDEF argues that Tennessee officials are violating the Equal Protection Clause of the U.S. Constitution, Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964, by unlawfully discriminating based on sex and transgender status.

All mainstream medical associations, including the American Medical Association and the American Psychological Association, recognize that transition-related care can be medically necessary and life-saving. The AMA and other medical organizations have called for an end to discriminatory exclusions of transition-related medical care from public and private health insurance policies.

Read the [complaint](#).

Ezra Cukor is handling the case for TLDEF. He is joined by attorneys Darren Teshima, Suzan Charlton, Udit Sood, Robert Winson, Natalie Ritchie, and Elaine Nguyen at Covington & Burling LLP, and other Tennessee attorneys.

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Content last updated on May 25, 2023 - PDF generated from: <https://transgenderlegal.org/stay-informed/tldef-sues-tennessee-for-denying-transgender-inclusive-health-coverage-to-employees/> on Oct. 2, 2023.

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