

Florida Board of Medicine Rulemaking: FAQ's

Access to Medical Care for Transgender Minors

(A) Where Do Things Stand Now?

The Boards of Medicine and Osteopathic Medicine have published Proposed Rules to establish a "standard of care" for the treatment of gender dysphoria for minors in the state of Florida. There are two Proposed Rules, one published by the Board of Medicine (which governs M.D.'s) and one published by the Board of Osteopathic Medicine (which governs D.O.'s). The Proposed Rules are similar - with one major difference between them - but both Proposed Rules would govern *the provision of gender-affirming care to transgender minors by medical providers* (M.D.'s and D.O.'s) in the state of Florida. The Proposed Rules seek to restrict access to gender-affirming care for transgender minors in Florida by establishing a "Standard of Care" that places restrictions on physicians (M.D.'s and D.O.'s) providing treatment for gender dysphoria.

First, and most importantly, **no ban has gone into effect at this time, these are merely Proposed Rules.** Your child can continue to receive treatment for gender dysphoria, and medical providers can continue to treat gender dysphoria in minors according to the existing evidence-based standards of care.

Second, here is what the Proposed Rules **actually mean**:

- (a) Both proposed rules **prohibit doctors from performing surgeries** on minors for the treatment of gender dysphoria;
- (b) Both proposed rules **allow doctors to continue prescribing puberty blockers and hormones to minors who are currently receiving such treatments** (i.e. a "grandfathering in" clause for any minor already being prescribed blockers or hormones *prior* to the date the rule goes into effect);
- (c) The Board of Medicine's proposed rule **prohibits doctors (M.D.'s) from prescribing puberty blockers and hormones to any minor who has not yet begun to receive such treatments** prior to the date the rule goes into effect;
- (d) The Board of Osteopathic Medicine's proposed rule **provides an exception for doctors (D.O.'s) to prescribe puberty blockers and hormones to minors who had not yet begun to receive such treatments prior to the rule's effective date, as long as this treatment is provided through an IRB-approved clinical trial** at a Florida medical school.
 - o The purpose of the IRB exception is to ensure the collection of data and to assess the long-term outcomes for transgender minors who receive such treatment. Both Boards originally voted to move forward with the version of the proposed rule language that included the IRB-approved clinical trial exception, but unfortunately the Board of Medicine voted to remove that exception for prospective patients.

Review the Proposed Rules themselves here:

- **Board of Medicine [Notice of Proposed Rule 64B8-9.019](#) (active link)**
- **Board of Osteopathic Medicine [Notice of Proposed Rule 64B15-14.014](#) (active link)**

(B) What Happens Next?

*Big picture overview: **Public Comments** can be submitted from November 14th to December 5th - then the Boards will hold a **Public Hearing** on the proposed rules.*

- The Proposed Rules were **filed** on November 14th, 2022
- That began the **21-day public comment period, which ends on December 5, 2022**. During the public comment period, folks can **submit written comments in opposition to the rules through the Florida Administrative Register (FAR)** comment submission portals (Board of Medicine comment portal [here](#); Board of Osteopathic Medicine comment portal [here](#))
- After the 21-day written comment period, **a Public Hearing will be held** (or two, depending on whether the Boards do this jointly or individually), at which time folks can provide verbal in-person public comments in opposition to the Proposed Rule(s).
- The Board cannot file the final rule for adoption until **at least 14 days after the public hearing**, if they make no changes to the substance of the proposed rule. If they do make changes to the substance of the proposed rule after, and in light of, the comments submitted in writing and at the public hearing, they must file a Notice stating as much **at least 21 days prior** to filing the rule for adoption. If they do not make changes to the substance of the rule, they must file a Notice stating as much **at least 7 days prior** to filing the rule for adoption.
- After the final rule is filed with the Department of State, it **becomes effective 20 days later**.

(C) What Can You Do?



MAKE YOUR VOICE HEARD!



Submit a Public Comment to the Boards of Medicine and Osteopathic Medicine to stand up for the rights of transgender youth to access medically necessary, evidence-based, sometimes life-saving medical care. Simply visit the links in the previous sentence and click “Make Comment” before December 5th!

Healthcare decisions should be made between the patient, their doctor, and their parent - *not the state*. And medical providers shouldn’t be penalized for providing evidence-based, safe, effective care to their patients.

In your comment, you can share your own experiences with gender-affirming medical care; you can urge the Boards not to move forward with these Proposed Rules that would deny medically necessary healthcare to transgender youth in Florida; you can share facts, statistics, or information supporting the importance of the treatment of gender dysphoria; etc.

Make your comment your own! #ProtectTransKids