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Following State Investigation, Kaiser Updates Guidance on Medically Necessary Hair Removal

Health plan agrees to provide care and compensate woman who filed complaint

SACRAMENTO – The California Civil Rights Department (CRD) today announced securing a settlement with Kaiser Foundation Health Plan, Inc. (Kaiser) to resolve a discrimination complaint over the denial of care to a patient. As part of the settlement, Kaiser has agreed to take a range of actions to prevent against future discrimination, including updating its guidance materials on medically necessary hair removal.

"California's protections against discrimination extend to businesses and state-funded services like the care provided by Kaiser," **said CRD Acting Director Jamie Gillette.** "While medical decisions are between patients and their doctors, that doesn't mean that bias can't creep into the process. This settlement ensures that people who need medical care because of a disability get the same treatment they are entitled to as anyone else."

Three-Times Denied

In 2024, CRD received a complaint from a woman against Kaiser alleging the unlawful denial of care due to disability and sex. According to the complaint, Kaiser declined to cover a hair removal procedure to treat facial hair growth caused by Polyendocrine Metabolic Ovarian Syndrome, formerly known as Polycystic Ovary Syndrome (PCOS). Kaiser allegedly told the woman that the procedure she had requested was considered cosmetic and that they would only cover it in instances where it was deemed medically necessary, such as for transgender people experiencing gender dysphoria. The woman shared that she filed two separate appeals to try to get Kaiser to cover the procedure but was repeatedly told that the treatment was not covered in her health plan, despite having a medical condition for which hair removal treatment was medically necessary.

Businesses and State-Funded Programs
Under the Unruh Civil Rights Act, businesses open to the public are prohibited from discriminating against people based on protected characteristics, such as sex, race, religion, national origin, disability, or sexual orientation. The Unruh Act applies to a wide range of businesses, including restaurants, hotels, banks, private schools, and hospitals. Similarly, California Government Code section 11135 bars any program or activity that receive state funding from engaging in unlawful discrimination. These protections help ensure equal access to state-funded programs, services, or activities, including services from healthcare providers. In 2024, the Civil Rights Council secured approval for updated regulations implementing the state's protections, which help ensure public resources do not contribute to discrimination.

Reassessed and Approved
After investigating and determining that Kaiser likely violated the law, CRD provided the patient and the health plan with an opportunity to resolve the allegations through mediation. As a result of the settlement, Kaiser, without admitting wrongdoing, has agreed to:

- Authorize coverage for the procedure for the woman who filed the complaint.
- Prepare a short resource for employees handling grievances on the authorization of medically necessary hair removal for cisgender women.
- Provide training to dermatologists on the applicable clinical guidelines for hair removal treatment.
- Develop training materials to help physicians make referrals for hair removal treatment.
- Train dermatologists and primary care physicians on a new internal referral system to permit providers to refer patients for hair removal evaluation that may be necessary for a range of medical conditions.
- Pay $3,000 to the complainant.

If you or someone you know has experienced discrimination, CRD may be able to assist you through its complaint process. The department also provides general information and factsheets online about civil rights protections, including at California businesses.

The settlement announced today was secured by Staff Counsel Val Erze and Assistant Chief Counsel Asaf Orr. It was mediated by Senior Attorney Mediator Yu-Yee Wu.

You can learn more by reading a copy of the settlement.

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The California Civil Rights Department (CRD) is the state agency charged with enforcing California's civil rights laws. CRD's mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-funded programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.

