

# Payment Policy: Gender-Specific Procedure or Services

Reference Number: LA.PP.047

Effective Date: 08/2020

Last Review Date: 06/2026

[Coding Implications](#)

[Revision Log](#)

See [Important Reminder](#) at the end of this policy for important regulatory and legal information.

## Policy Overview

This policy describes billing requirements for transgender services when a gender-specific Current Procedural Terminology (CPT®) code is billed or when transgender services are billed on an institutional (inpatient or outpatient) facility claim.

The purpose of this policy is to define payment criteria for gender-specific procedure codes when billed for members whose recorded gender differs from the gender-specific procedure code billed.

## Application

1. Practitioner and Non-physician practitioner claims
2. Outpatient and Inpatient Institutional Claims

## Policy Description

*Section 1557 of the Office of Civil Rights’ “Non-Discrimination in Health Programs and Activities”* prohibits covered entities that receive Federal financial assistance from “placing limitations on coverage, or denying a claim for coverage for any health service when the denial or limitation occurs because the individual’s sex assigned at birth, gender identity or gender otherwise recorded by the plan or insurer is different from the one to which such services are ordinarily or exclusively available.”

Furthermore, covered entities that receive Federal financial assistance are prohibited from automatically rejecting sex-specific procedures and services because of a mismatch between the service billed by the provider and the individual’s gender recorded in the insurer’s claims processing system.

To prevent inappropriate claim denials when the individual’s recorded gender does not match the gender-specific procedure or services billed, Louisiana Healthcare Connections will require the use of a specific billing code modifier and condition code to bypass gender-specific claim edits.

## Claims Reimbursement Guidelines

The Centers for Medicare and Medicaid Services (CMS) MLN Matters #MM6638, instructs providers to report condition code 45 (Ambiguous Gender Category) on inpatient or outpatient institutional services that can be subject to gender-specific editing. Physicians and non-physician practitioners should append the modifier –KX to the gender-specific procedure code documented on the procedure code detail line.

Louisiana Healthcare Connections code editing software application will evaluate claims data to determine if an institutional claim contains the condition code 45, or for practitioner and non-physician practitioner claims, that the modifier –KX is appended to a gender-specific procedure

code. When these identifiers are found on the claim or at procedure code detail level, the code editing software will bypass gender edits.

### **Documentation Requirements**

- *Practitioners and non-physician practitioners* should append modifier “-KX” to the gender-specific CPT code at the service line level.
- *Institutional Providers* should add the condition code “45” to the appropriate claim field to indicate a gender-specific service.

### **Coding and Modifier Information**

This payment policy references Current Procedural Terminology (CPT®). CPT® is a registered trademark of the American Medical Association. All CPT® codes and descriptions are copyrighted 2026, American Medical Association. All rights reserved. CPT codes and CPT descriptions are from current manuals and those included herein are not intended to be all-inclusive and are included for informational purposes only. Codes referenced in this payment policy are for informational purposes only. Inclusion or exclusion of any codes does not guarantee coverage. Providers should reference the most up-to-date sources of professional coding guidance prior to the submission of claims for reimbursement of covered services.

| Modifier | Descriptor                                                  |
|----------|-------------------------------------------------------------|
| KX       | Requirements specified in the medical policy have been met. |

| Condition Code | Descriptor                |
|----------------|---------------------------|
| 45             | Ambiguous Gender Category |

### **Definitions:**

1. *Covered Entity:* Any health program or activity, any part of which receives funding from the Department of Health and Human Services (HHS) such as hospitals that accept Medicare and doctors that accept Medicaid. As well as the Health Insurance Marketplaces and issuers that participate in those Marketplaces.
2. *Gender Identity:* A personal conception of oneself as male or female, both or neither.
3. *Transgender:* of, relating to, or being a person who identifies with or expresses a gender identity that differs from the one which corresponds to the person’s sex at birth.
4. *Institutional Providers:* Hospitals, Skilled Nursing Facilities, End State Renal Disease providers, Home Health Agencies, hospices, outpatient rehabilitation clinics, Comprehensive Outpatient Rehabilitation Facilities, Community Mental Health Centers, Critical Access Hospitals, Federally Qualified Health Centers, histocompatibility laboratories, Indian Health Service Facilities, organ procurement organizations, Religious Non-Medical Health Care Institutions and Rural Health Clinics.
5. *Code Editing Software:* A rule-based application that evaluates provider’s claims against correct coding principles based on CMS guidelines, the American Medical Association’s current procedural terminology (CPT®) guidelines, reimbursement policies, benefit plans and industry standard coding practices.

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6. *Practitioner*: CMS defines as doctors of medicine; doctors of osteopathy, doctors of dental surgery or dental medicine, doctors of podiatric medicine and doctors of optometry.
7. *Non-Physician Practitioner*: CMS defines as Physician assistant, Nurse practitioner, Clinical nurse specialist, Certified registered nurse anesthetist, Certified nurse midwife, Clinical psychologist, Clinical social worker, Registered dietitian, or Nutrition professional.

### Additional Information

Not Applicable

### Related Documents or Resources

1. <https://www.federalregister.gov/documents/2016/05/18/2016-11458/nondiscrimination-in-health-programs-and-activities>

### References

1. *Current Procedural Terminology (CPT)*®, 2026
2. *HCPCS Level II*, 2026
3. Department of Health and Human Services (DHHS) Nondiscrimination in Health Programs and Activities
  - <https://ldh.la.gov/page/1426#:~:text=Notice%20of%20Non%2DDiscrimination,in formation%20written%20in%20other%20languages>

| Revision History                                                                                                                                        | Revision Date | Approval Date | Effective Date |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|----------------|
| Converted corporate to local policy.                                                                                                                    | 08/15/20      |               |                |
| Annual Review;<br>Updated dates in the reference section from 2018 to 2020<br>Removed clinical and added payment policy in “Important Reminder” section | 08/30/22      |               |                |
| Annual review; updated copyright dates                                                                                                                  | 08/01/23      | 9/12/23       | 10/25/23       |
| Annual review, updated reference dates<br>Did not send to LDH due to non-material revisions.                                                            | 7/26/24       | 7/30/24       | 8/19/24        |
| Annual review; dates and reference link updated                                                                                                         | 6/2025        | 6/24/25       | 7/23/25        |
| Renamed the policy from Billing Requirements for Transgender Services                                                                                   | 8/2025        | 8/4/25        | 8/21/25        |
| Annual review; dates updated.                                                                                                                           | 6/2026        | 6/30/26       |                |

### Important Reminder

This payment policy has been developed by appropriately experienced and licensed health care professionals based on a review and consideration of currently available generally accepted standards of medical practice; peer-reviewed medical literature; government agency/program approval status; evidence-based guidelines and positions of leading national health professional organizations; views of physicians practicing in relevant clinical areas affected by this payment

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policy; and other available clinical information. LHCC makes no representations and accepts no liability with respect to the content of any external information used or relied upon in developing this payment policy. This payment policy is consistent with standards of medical practice current at the time that this payment policy was approved.

The purpose of this payment policy is to provide a guide to medical necessity, which is a component of the guidelines used to assist in making coverage decisions and administering benefits. It does not constitute a contract or guarantee regarding payment or results. Coverage decisions and the administration of benefits are subject to all terms, conditions, exclusions and limitations of the coverage documents (e.g., evidence of coverage, certificate of coverage, policy, contract of insurance, etc.), as well as to state and federal requirements and applicable LHCC administrative policies and procedures.

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