



Testimony

of

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before the

New York City Council Committee on Health

on

Intro. 491: Amending Sex Designation on Birth Records

and

Intro 492: Reporting and an Advisory Board on Gender Marker Change Requirement

**November 10, 2014
Council Chambers – City Hall
New York City**

Good afternoon, Chairman Johnson and members of the Health Committee. My name is Gretchen Van Wye, and I am the Assistant Commissioner of the Bureau of Vital Statistics at the New York City Department of Health and Mental Hygiene. I am joined today by Steven Schwartz, the New York City Registrar. On behalf of Commissioner Bassett, who regrettably could not be here, thank you for the opportunity to testify on Intros 491 and 492. As you know, the Health Department is currently pursuing an amendment to the New York City Health Code similar to this legislation, and we are very happy that the Council and the Administration share the common goal of improving the birth certificate gender marker change process for transgender individuals.

Intro 491

Currently in New York City, transgender individuals who want to change the gender marker on their birth certificate must undergo convertive surgery, based on provisions of the Health Code adopted in 1971. The Administration strongly supports Intro 491, which, like our proposed Health Code amendment, would for the first time allow individuals to change the gender marker on their birth certificate with an affirmation from a U.S.-licensed physician or an affidavit from another authorized health or mental health provider. The authorized health or mental health provider must be licensed and be one of the following practitioners: a doctoral-level psychologist in clinical or counseling psychology; a social worker; a physician assistant; a nurse practitioner; a marriage and family therapist; a mental health counselor; or a midwife. The practitioner or physician who is giving the attestation must confirm that the revised designation accurately reflects the individual's gender, based on contemporary expert standards regarding gender identity. Once the new birth certificate is created, the original certificate will be placed under seal.

As I mentioned earlier, this legislation mirrors an amendment to the New York City Health Code that was proposed at the October 7th Board of Health meeting, and will be voted on December 9th. We proposed this change because not all applicants with incongruent gender assignment wish to undergo surgery, and the surgery requirement may present an unnecessary burden. Furthermore, documents that accurately reflect a person's gender identity can be critical to accessing healthcare, employment, and other important services. This new amendment, which we are proud to be concurrently championing with the Council, will be the first major change in New York City's transgender birth certificate procedures in over 40 years.

In light of the importance of this change, the Department is developing a robust outreach and implementation strategy, so that both the provider and transgender communities are aware of the new regulation and the process is transparent and accessible. As the new policy will apply to all individuals born in New York City – regardless of where they may reside now – our plan will also include outreach to non-New York City-based transgender-friendly healthcare, mental health, and social services organizations. Towards that end, we are developing a list of clinics,

providers, and organizations that can advise, support, and help provide the documentation needed for individuals to change the gender marker on their birth certificate. This list will include providers who will deliver these services at low or no cost, and it will be easily accessible and posted on the Department's website.

We will engage these providers and organizations through many channels, and will host at least one teleconference, during which they may ask questions and discuss any concerns they have about providing such services. The Department welcomes and looks forward to collaboration with the Council and advocates as we implement this outreach strategy and work to spread the word about this important change.

To make the new process as easy as possible for transgender applicants, the Department has assigned a veteran staff member in our Office of Vital Records to serve as the key point person. This staff member, Deputy Director Edna Timbers, has 15 years of experience with the Department and has served as the primary person helping transgender individuals navigate the process during that time. Ms. Timbers will be able to answer questions and help applicants understand the requirements, and can also refer individuals to other relevant healthcare resources.

In summary, we are thrilled that the Council and the Administration share the common goal of improving the birth certificate gender marker change process for transgender individuals.

Intro 492

The Department also supports Intro 492, a complementary bill which would establish an Advisory Board to review the implementation of Intro 491. We appreciate the Council's interest in working collaboratively with us and other organizations to support an efficient and accessible operationalization of the new protocol in a manner that best serves the transgender community, and we look forward to working together on the Advisory Board.

Updating the gender marker change process for transgender individuals is an important step in enabling people to obtain official documents that accurately reflect their gender identity. We are proud to jointly support this long-needed update with the Council and look forward to future collaboration as we move ahead.

Thank you for the opportunity to testify today. We would be happy to answer any questions.