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**LOCAL news**

# JAQUAY PAVES THE WAY

**Transsexual left in medical limbo continues her battle for coverage under Oregon Health Plan** by Inga Sorensen

Olivia Jaquay says she is "skeptical" about the Oregon Medical Assistance Programs' recent withdrawal of a May 13 "final order" denying her request for medical coverage related to her October 1997 change of sex.

Her skepticism isn't surprising, given that Jaquay, who is dependent on the Oregon Health Plan for health care, has been battling with the state for months to have her final surgery covered by public funds. Her requests have repeatedly been denied.

On April 21, Jaquay went before the state hoping previous denials would be overturned and her request granted. In response, OMAP issued the May 13 final order denying her request. Jaquay in turn sought a rehearing and reconsideration. That petition, says Margaret Deirdre O'Hartigan, acting director of the Filisa Vistima Foundation, a Portland organization that advocates for transsexuals, was denied by OMAP hearing officer David Lackey on July 6.

In response, Jaquay filed for judicial review by the Oregon Court of Appeals in mid-August. According to a foundation press release issued Sept. 23, "Jaquay has consistently maintained that OMAP denied her a fair hearing on April 21 by violating her right to cross-

not provide a reason for the withdrawal, but offered a referral to the attorney general's office.

Oregon Department of Justice spokesman Peter Cogswell, meanwhile, pointed out the portion of the notice of withdrawal that states the "purpose for withdrawing this order is to grant petitioner a hearing on reconsideration in this matter."

An article in the May 1, 1998, issue of *Just Out* described Jaquay's struggle: "At the heart of the matter lies one basic yet astonishingly complicated question: Is a sex change operation elective or corrective surgery?" The Oregon Health Commission has held hearings on whether the Oregon Health Plan should cover transsexualism; a task force was appointed to study the issue.

Reporter Patrick Collins wrote: "For Jaquay, the surgery which would allow her to finally cross the bridge from male to female is far more than cosmetic. After taking hormones for 19 years, Jaquay sold personal property to finance her initial surgery. There is, of course, more

*"How many people on the Oregon Health Plan have been denied their right to a rehearing because they couldn't afford an attorney and didn't know how to fight the system themselves?"*

—Olivia Jaquay



PHOTO BY LINDA KIEWER

examine witnesses and interfering with her right to advance her arguments without undue interference from Hearing Officer Lackey, among other issues."

Olivia Jaquay

According to O'Hartigan, OMAP filed its "notice of withdrawal" on Sept. 17, the very day the agency transcription proceedings of Jaquay's April 21 hearing were due in the Court of Appeals.

A state attorney general's office document says the "purpose of withdrawing [the final] order is to grant petitioner a hearing on reconsideration of this matter."

A hearing is slated for Oct. 19, and OMAP is proposing "to affirm, modify or reverse its order" and notify the Court of Appeals of its action on or before Nov. 16.

Jaquay says she has yet to learn why OMAP withdrew the May 13 order—information, she says, that could be helpful as she prepares for her hearing on reconsideration.

OMAP officials contacted by *Just Out* did

surgery to come, which the state refuses to finance even though Jaquay is covered under the health plan." Jaquay is seeking coverage for labioplasty; without it, "she is particularly prone to a number of ailments, including infections of the kidneys and the urinary tract. The cost: \$2,300."

In the Sept. 23 Filisa Vistima Foundation press release, Jaquay expressed concern for others who may be overwhelmed by the red tape.

She asks: "How many people on the Oregon Health Plan have been denied their right to a rehearing because they couldn't afford an attorney and didn't know how to fight the system themselves? The most vulnerable people in society—the sick and the poor—are being victimized by the very system that claims to help them."