



**CENTERS FOR MEDICARE & MEDICAID SERVICES**

**New Sexual Orientation and Gender Identity (SOGI) Questions  
on the Marketplace Application**

# Background: Current Marketplace "Sex" Question

- Currently, the Marketplace application asks a binary "Sex" question with "Male" or "Female" response options.
- Consumer's answer of "Female" is used to trigger questions about pregnancy, which is an eligibility criteria for Medicaid and the Children's Health Insurance Program (CHIP).
- There will be **no changes** to the existing "Sex" question.
  - Consumer's response to this question will continue to be stored in the Marketplace system, shared with issuers if the consumer enrolls in a plan, and shared with state Medicaid/CHIP agencies if the consumer is transferred.

Tell us about yourself

Do you need coverage for yourself?

Yes  
 No

First name  
Gabriella

Middle name  
Optional

Last name  
Lopez

Suffix  
Optional

Date of birth  
For example: 3/4/2018  
Month Day Year  
2 / 21 / 1995

Sex  
 Female  
 Male

Save & continue

Sex

Female  
 Male

# Marketplace "Sex" Question Help Text

**Sex**

[Learn more about why we're asking.](#)

Female

Male

## How this information is used

Close

We share responses to "Sex" with the insurance company when you enroll in a plan. This information may also be shared with agencies like your state Medicaid or Children's Health Insurance Program (CHIP), if anyone in the household is eligible for these programs.

If a person is pregnant, be sure to select "Female" so that they can tell us about the pregnancy later in the application. That way, we'll make sure they're eligible for coverage to keep them and their baby healthy.

Get more information on [HealthCare.gov](#) about the Marketplace [Privacy Policy](#) and [how we use your data](#).

# New Marketplace SOGI Questions

- Starting on **November 1, 2023** the Marketplace will be asking three new SOGI questions on all applications starting with Plan Year 2024
  - New questions will be asked for all individuals on the application ages 12 and older
  - New questions will be *optional* and will be asked alongside existing race/ethnicity questions on Healthcare.gov
- Existing *required* binary "Sex" question will remain on the application

Category	Question	Responses
<b>Sex Assigned at Birth</b>	<b>What was [First Name]’s sex assigned at birth?</b> <i>You can find this on an original birth certificate or similar document.</i> <i>(optional, single select)</i>	<ul style="list-style-type: none"> <li>•Female</li> <li>•Male</li> <li>•A sex that’s not listed: [free text]</li> <li>•Not sure</li> <li>•Prefer not to answer</li> </ul>
<b>Gender Identity</b>	<b>What’s [First Name]’s gender identity?</b> <i>(optional, single select)</i>	<ul style="list-style-type: none"> <li>•Female</li> <li>•Male</li> <li>•Transgender female</li> <li>•Transgender male</li> <li>•A gender identity that’s not listed: [free text]</li> <li>•Not sure</li> <li>•Prefer not to answer</li> </ul>
<b>Sexual Orientation</b>	<b>What’s [First Name]’s sexual orientation?</b> <i>(optional, single select)</i>	<ul style="list-style-type: none"> <li>•Lesbian or gay</li> <li>•Straight</li> <li>•Bisexual</li> <li>•A sexual orientation that’s not listed: [free text]</li> <li>•Not sure</li> <li>•Prefer not to answer</li> </ul>



# Catalysts for New SOGI Questions



# Purpose of SOGI Questions

- The new SOGI questions will be used for demographic data reporting for the purposes of analyzing health disparities in access to coverage.
- Adding SOGI questions improves the Marketplace consumer experience by allowing consumers to attest in a way that better reflects and affirms their identities.



# Best Practices for Asking SOGI Questions of Consumers

CMS has identified the following best practices to promote equitable and accurate data collection from consumers:

- Clearly outline the purpose of the SOGI questions, including privacy and security measures:
  - Explain that the questions will be used to help identify gaps in access to health coverage, similar to how race and ethnicity data are used. Responses to these questions will not impact plan pricing.
  - Emphasize that the new data will be kept private and secure. In other words, the new data will not be shared with issuers, Medicaid and CHIP agencies, or other third parties at this time.
- Use Marketplace recommended question and answer wording to enhance consumers' understanding of SOGI questions and encourage responses:
  - Ensure consumers understand that the questions are optional. They can skip or respond "Prefer not to answer."
  - Ensure consumers understand that they can use free text response options to enter their own preferred terms.
  - Use help text to provide further context and explanation of the questions and answer options.
  - Clarify that the application filer can skip the questions or respond "Not sure" if they are unsure of how to answer the questions for others on the application. This will help improve data accuracy.
  - Explain that the Marketplace application will ask these questions for household members ages 12 and older.
  - At any time, consumers can update their responses to the new SOGI questions, including changing or removing their previous responses.

# Impact on Marketplace Eligibility Results and Health Care

- An individual's responses to the new SOGI questions will have no impact on their eligibility results, plan pricing, or plan costs.
- At this time, any data received from the three new optional SOGI questions **will not** be shared with downstream systems or agencies, including issuers and state Medicaid/CHIP agencies.
- CMS expects issuers and providers to administer applicable and medically necessary care in admission to, participation in, or receipt of the services and benefits under any of its programs and activities, without regard to Marketplace record of sex, sex assigned at birth, gender identity or sexual orientation.



# Best Practices for Agents, Brokers, and Assisters and Navigators

- The questions are *optional* for the consumers to answer. However, the agent, broker, or assister should always ask the consumer these questions so consumers can choose whether to answer them.
- Responses to SOGI questions should always be self-reported by the consumer. Agents, brokers, and assisters should not guess the answers to the SOGI questions or make any assumptions even if they think they know the answers based on their interaction with the consumer. The consumer should have the opportunity to decide how to answer each SOGI question.
- These questions may be sensitive and it is understandable that some may feel discomfort asking their clients the new demographic questions. One way to normalize the questions is to explain that all consumers are asked these same questions. Although some may assume their clients will be offended by SOGI questions, research shows this is rarely the case.

**Questions?**

# Terms Defined

- **Sex:** A multidimensional construct based on a cluster of anatomical and physiological traits (sex traits)
- **Gender:** A multidimensional construct that links gender identity, gender expression, and social and cultural expectations about status, characteristics, and behavior that are associated with sex traits
- **Sexual Orientation:** A multidimensional construct encompassing emotional, romantic, and sexual attraction, identity, and behavior

**Source:** *Measuring Sex, Gender Identity, and Sexual Orientation*. National Academies of Sciences, Engineering, and Medicine. March 2022.

Detailed definitions for SOGI-related terms can be found in the report.

# Resources

- [EO 13988: Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#)
- [EO 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#)
- [EO 14075: Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals](#)
- [Federal Evidence Agenda on LGBTQI+ Equity](#)
- [Recommendations on the Best Practices for the Collection of Sexual Orientation and Gender Identity Data on Federal Statistical Surveys](#)
- [Office of the National Coordinator for Health Information Technology: United States Core Data for Interoperability](#)
- [CMS Training: Caring for LGBTQI+ Patients](#)