

## **MERCHANT SHIPPING NOTICE NO. OF 2023**

### **SUBJECT: GUIDELINES FOR MEDICAL EXAMINERS FOR MEDICAL EVALUATION OF TRANSGENDER (*INCLUDING GENDER DYSPHORIA AND GENDER NON-CONFORMITY*) FOR ADMISSION TO MARITIME COURSES.**

The Directorate is in receipt of many representations from the general public, stakeholders for eligibility of transgender for admission into Maritime Courses in India. As per Medical Examination Rules 2000, the merchant shipping provided medical standard for male & female only, no such guideline issued yet for deciding eligibility of the medical standard for Transgender. The issue has been examined in the light of Transgender Person (Protection of Right Act) 2019 dated 5.12.2019.

Whereas under the provision of Sec.98 (3) of the MS Act, 1958, the Merchant Shipping (Medical Examination) Rules 2000 were notified on 19<sup>th</sup> Jan. 2000, Rule 4 deals with the approval of Medical Examiners.

The term 'transgender' is an individual who seeks or undergoes a social transition from male to female (MtF) or from female to male (FtM), which can also entail a somatic change by way of hormone therapy and sexual reassignment surgery. Broadly, these are individuals, who, in a transitory or persistent manner, identify themselves with a gender different from the one at birth. In the International Classification of Diseases ICD 11th revision, the term is classified into conditions related to sexual health, such as 'gender incongruence' which is characterized by a marked and persistent incongruence between an individual's experienced gender and assigned sex. Diagnostic and Statistical Manual of Mental Disorders DSM-5 modified this nomenclature to 'Gender Dysphoria (GD)', emphasizing that the diagnosis is characterized by the suffering related to this incongruence.

1.2 Gender dysphoria is considered a rare condition. According to the DSM-5, the prevalence is 0.005–0.014% for natal males and 0.002–0.003% for natal females. These rates vary greatly worldwide and are likely to be underestimated, as not all adults who wish to undergo gender reassignment seek specialized clinics.

1.3 Scientific literature on this condition has confirmed significant levels of suffering experienced by these individuals, with multi factorial causes, which enhance the importance of appropriate psychiatric/psychological screening of their mental health. They suffer a higher degree of emotional stress and one of the known sources of that is due to the difference between the expected social role of their biological gender and the gender identified by them, which can result in stigmatization and social isolation. Therefore, this population comprises of a vulnerable minority as they are submitted to different adversities throughout their lives which may include discriminatory practices in the

diverse social circles, violence and restriction of rights. In light of the excessive number of negative stressors to which this group is subjected to on a daily basis, the Maritime evaluation for medical fitness for requirements has to be more structured.

## **2. Medical Assessment**

2.1 There is no direct reference to gender dysphoria /gender incongruence in the Guidelines OR References in the DGS Standards of recommended practice or published standards. Therefore, in the absence of a published standard or recommended practice, this circular will provide broad guidelines to the DGS empanelled medical examiners for the assessment of fitness for transgender applicants.

2.2 A transgender applicant's medical fitness shall be assessed on a '**case to case**' basis

2.3 Candidates has to declare regarding his/her gender as per certificate of identity as transgender, issued by the District Magistrate prescribed in the Transgender Person (Protection of Rights) Act, 2019.

2.4 The candidate has to declared regarding taking any treatment for hormones Replacement Therapy (HRT).

2.5 As per the declared gender, candidate will be examined for medical fitness as per medical examination rule 2000 and medical fitness certificate to be issued.

2.6 The transgender applicants undertaking medical examination will register with the gender as per their 'Certificate of Identity' issued by the Government of India (Male, Female or Transgender).

2.7 The DGS medical examiners undertaking these initial medical examinations will obtain a detailed medical report from their treating specialists (endocrinologist or reconstructive surgeon) assisting the applicant in gender re-appropriation/re-assignment (if any) to complete the examination report. However, they will not issue a 'fit' medical certificate and will declare them 'Temporary Unfit' for a detailed evaluation at an appropriate Centre and will then forward the application to DGS.

2.8 Medical Examiner at DGS will issue a 'Temporary Unfitness' letter and recommend further review at the earliest.

2.9 The applicant will be evaluated in accordance with the following broad guidelines:-

2.9.1 Those transgender applicants who have been taking hormone therapy or had a gender reassignment surgery within the last five years will be screened for their mental health status. There commended checklist is placed as Appendix 'A' to this circular.

2.9.2 The applicant shall submit a detailed report from the treating endocrinologist containing the details of hormone therapy the applicant has been taking; including its duration, dosage, and frequency, record of changes in therapy, hormone assay reports and any documented side effects.

2.9.3 If the applicant is on Hormone Replacement Therapy, as with any medication, on commencement of hormone therapy or any change in the drug or adjustment of its dose, the applicant will be declared medically ‘unfit’ for at least three months. This duration can vary depending upon the risks of side-effects that might affect safe exercise of the privileges of the medical assessment.

2.9.4 Applicants who undergo surgical procedures for gender reassignment ,will be declared medically‘ unfit’ for a minimum period of three months after the procedure or until a complete clinical recovery has been achieved, there is no impairment of the applicant’s functional ability and there is no significant risk of incapacitation relate do the surgical procedure.

2.9.5 The marine medical disposition of the applicants who satisfy the conditions listed above, will be as following:-

<b>All Applicants identified as Transgender Persons</b> <i>(including Gender Dysphoria and Gender Non-conformity)</i>		
<b>CONDITION</b>	<b>EVALUATIONPROCESS</b>	<b>DISPOSITION</b>
(a) Completed gender reassignment surgery done 05or more years ago <b>OR</b> (b) Treated with hormone therapy*for 05 or more years	A detailed mental health examination shall be done by the Psychiatrist/ Psychologist in accordance with the World Professional Association for Transgender Health (WPATH) latest Standards of Care version for the Health of Transsexual, Transgender, and Gender Non-conforming People. If the assessment reveals no evidence of psychiatric or psychological abnormality and there are no documented side effects of there assignment hormonal or surgical therapy, the applicant may be considered fit.	Fitness is to be determined on a ‘case to case’ basis.  All subsequent renewal Medical examinations shall be conducted under the published DGS Medical Standards only. Evidence of any mental health aberrations shall warrant further testing.

<p>(c) Treated with Hormone therapy *for <b>less than 05 years</b> <b>OR</b>  Gender assignment surgery <b>less than 05 years ago</b>  <b>OR</b>  History of a <b>coexisting</b> mental health concern/s <b>OR</b>  History of mental health treatment such as psychotherapy or medications for any condition other than Gender Dysphoria (Information is required if the applicant has ever had a mental health diagnosis [including substance use disorder] or has received treatment for a mental health condition at any time, even if treatment was short-term counselling.</p>	<p>Following will be required during ‘Initial’ as well as subsequent ‘Renewal’ medical examination:-</p> <p>(a) A completed mental health evaluation by Psychiatrist and/or psychologist in accordance with the WPATH latest Standards of Care version for the Health of Transsexual, Transgender, and Gender Non-conforming People.</p> <p>(b) If on hormone therapy, a detailed report from treating endocrinologist as described above at para 2.9.2.</p> <p>(c) If any surgery has been performed within the last one year, a detailed report from the treating surgeon as described above at para 2.9.4.</p>	<p>The validity period of Medical Assessment shall also be on ‘case to case’ basis.</p>
<p>*Side effects from hormone therapy are significant and need to be monitored on a regular basis.</p>		

This is issued with the approval of the Director General of Shipping.

(Capt. Nitin Mukesh)  
Nautical Surveyor-cum-Dy. Director General of Shipping (tech.)

**SCREENING FOR MENTAL HEALTH OF A TRANSGENDER APPLICANT**

The following information must be provided by a Psychiatrist and/or a Clinical Psychologist who is aware of the mental health assessment of transgender persons as per the Standards of Care of World Professional Association for Transgender Health (WPATH). He should preferably be Knowledgeable about gender non-conforming identities & expressions and the assessment and treatment of gender dysphoria.

**1. Psychiatry History.**

- (a) Current mental health diagnosis or co existing mental health concerns.
- (b) Previous mental health diagnosis or co existing mental health concerns.
- (c) Any out-patient treatment or hospitalization for any psychiatric illness or condition ever.
- (d) Any suicide attempt(s) ever.
- (e) Any history of 'Substance Use Disorder'(e.g.alcohol,cannabis,stimulants,hallucinogens, opioids).

**2. Psychiatric Treatment.**

*(Formedications, pleaseprovidename, dose, durationandsideeffects, if any.)*

- (a) Current use.
- (b) Previous use.
- (c) Psychotherapy for any condition (e.g. depression, anxiety, adjustment disorder etc.)

Other treatments (e.g. cognitive therapy, talk therapy, electro convulsive therapy).

**4. Current Status.**

- (a) Remarks on applicant's mental health concerns.
- (b) Psychotherapy (if any).
- (c) Any treatment recommended (include support group or support group counselling).

5 Any evidence of cognitive dysfunction on neuropsychological evaluation.

6 Any other concerns regarding this applicant.

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