



HUMAN
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FOUNDATIONTM

POLICY IMPLICATIONS WITH THE NEW ADMINISTRATION AND COLLABORATION WITH THE HUMAN RIGHTS CAMPAIGN

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She, Her, Hers

ABOUT THE HUMAN RIGHTS CAMPAIGN AND THE HRC FOUNDATION

NATION'S LARGEST
LGBTQ civil rights
organization

Nearly 2,000,000
MEMBERS AND SUPPORTERS



More than 1,000,000
VISITORS A MONTH



Healthcare Equality Index 2016

Promoting Equitable and Inclusive Care
for Lesbian, Gay, Bisexual and Transgender
Patients and Their Families

2,060 of the nation's
healthcare facilities rated on their
commitment to LGBT equality
and inclusion

welcoming schools

A PROJECT OF THE HUMAN RIGHTS CAMPAIGN FOUNDATION

Welcoming Schools

A Comprehensive Guide for
Elementary Schools with LGBT*
Inclusive Resources on:

- family diversity
- gender stereotyping
- name-calling

*Lesbian, Gay, Bisexual and Transgender Inclusion



CORPORATE EQUALITY INDEX 2017

Rating Workplaces on Lesbian, Gay,
Bisexual and Transgender Equality

887

of the Nation's Largest Businesses
Demonstrated Their Commitment
to LGBT Equality and Inclusion



2.5M+
likes



769K+
Followers



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HEALTHCARE EQUALITY INDEX



**Creating a National Standard
for Equal Treatment of
Gay, Lesbian, Bisexual and
Transgender Patients and
Their Families**

A DECADE OF PROGRESS



THE ACA IS CRITICAL TO LGBTQ HEALTH

- For low-income LGBTQ people, the ACA has helped reduce the uninsured rate by 8%, greater improvement than the general population
- HIV:
 - Medicaid Expansion
 - No annual or lifetime caps
 - Pre-existing conditions
- ACA data collection requirements on disparities among minority populations, including LGBT people
- Non-discrimination provisions



WHAT IS SECTION 1557?



Section 1557 is the landmark civil rights provision in the Affordable Care Act. It prohibits discrimination on the basis of race, color, national origin, **sex**, disability, and age.



HHS FINAL RULE ON SECTION 1557

- HHS interpreted the term “sex” to include transgender status, gender identity, and sex stereotyping.
- The 1557 rule codified informal guidance that HHS had provided for over five years.
- This interpretation of “sex” is in line with EEOC determinations and federal court decisions including *Macy v. Holder* and *Baldwin v. Foxx*.





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HOW A BILL BECOMES A LAW TODAY...



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THE FUTURE OF SECTION 1557

- Repeal? – Will replacement include a similar non-discrimination provision? – Unlikely
- *Franciscan Alliance v. Burwell*, nationwide preliminary injunction on enforcement of gender identity non-discrimination provisions issued December 31, 2016
 - In March of 2017, the DOJ declined to appeal this injunction
- Lack of enforcement of Section 1557
- Religious exemptions
- No federal LGBTQ-inclusive policies or guidance in the foreseeable future





Trump taps anti-LGBTQ activist Roger Severino to lead HHS Civil Rights Office

“By appointing Mr. Severino to enforce the life-saving protections that he has made his personal mission to dismantle, [the Trump administration has once again put the fox in charge of the hen house](#),” said Mara Keisling, executive director of the National Center for Transgender Equality (NCTE), in a statement.

“I could not think of a more dangerous person to head up the Office of Civil Rights at HHS,” said JoDee Winterhof, senior vice president of policy and political affairs at the [Human Rights Campaign](#).

OTHER ADMINISTRATION ACTIONS IMPACTING LGBTQ HEALTH

- Eliminated the Fair Pay & Safe Workplaces Executive Order
- Revoked guidance protecting the rights of transgender students
- Withdrew HUD requirement that emergency shelters post information about LGBTQ people's rights to safe shelter
- Executive Order giving Attorney General Jeff Sessions discretion to create a license to discrimination in agencies across the federal government



THE ERASURE OF LGBTQ PEOPLE

- Removal of LGBT information from White House website
- HHS removed a question about sexual orientation from the National Survey of Older Americans Act Participants
- HHS eliminated SOGI questions in the Annual Centers for independent Living Performance Report
- HUD withdrew notices pertaining to data collection and implementation guidelines for a homelessness prevention initiative targeting LGBTQ youth
- Census Bureau changed plans to include SOGI questions in the 2020 census



IMPROVING LGBTQ CARE WITH HRC'S HEALTHCARE EQUALITY INDEX

Annual online survey that HRC has used to foster institutional change in how LGBTQ care is provided in over 1200 hospitals and other healthcare facilities nationwide



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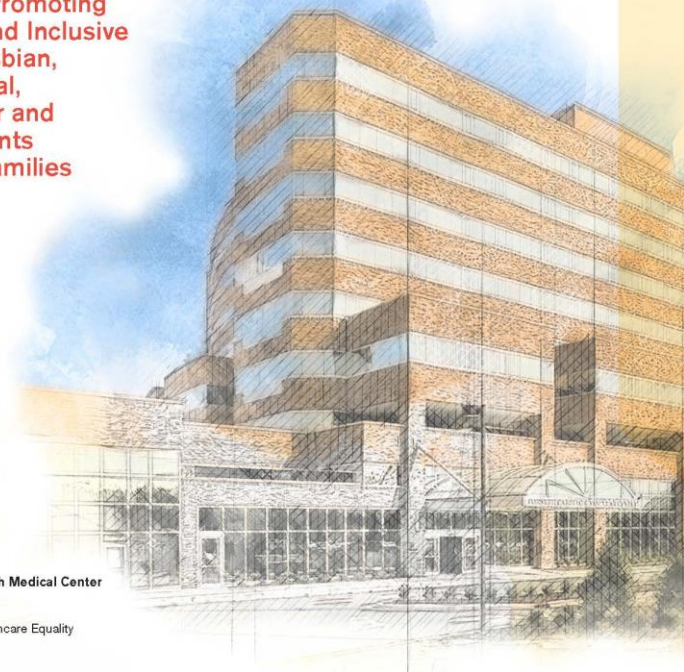
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HEALTHCARE EQUALITY INDEX 2017

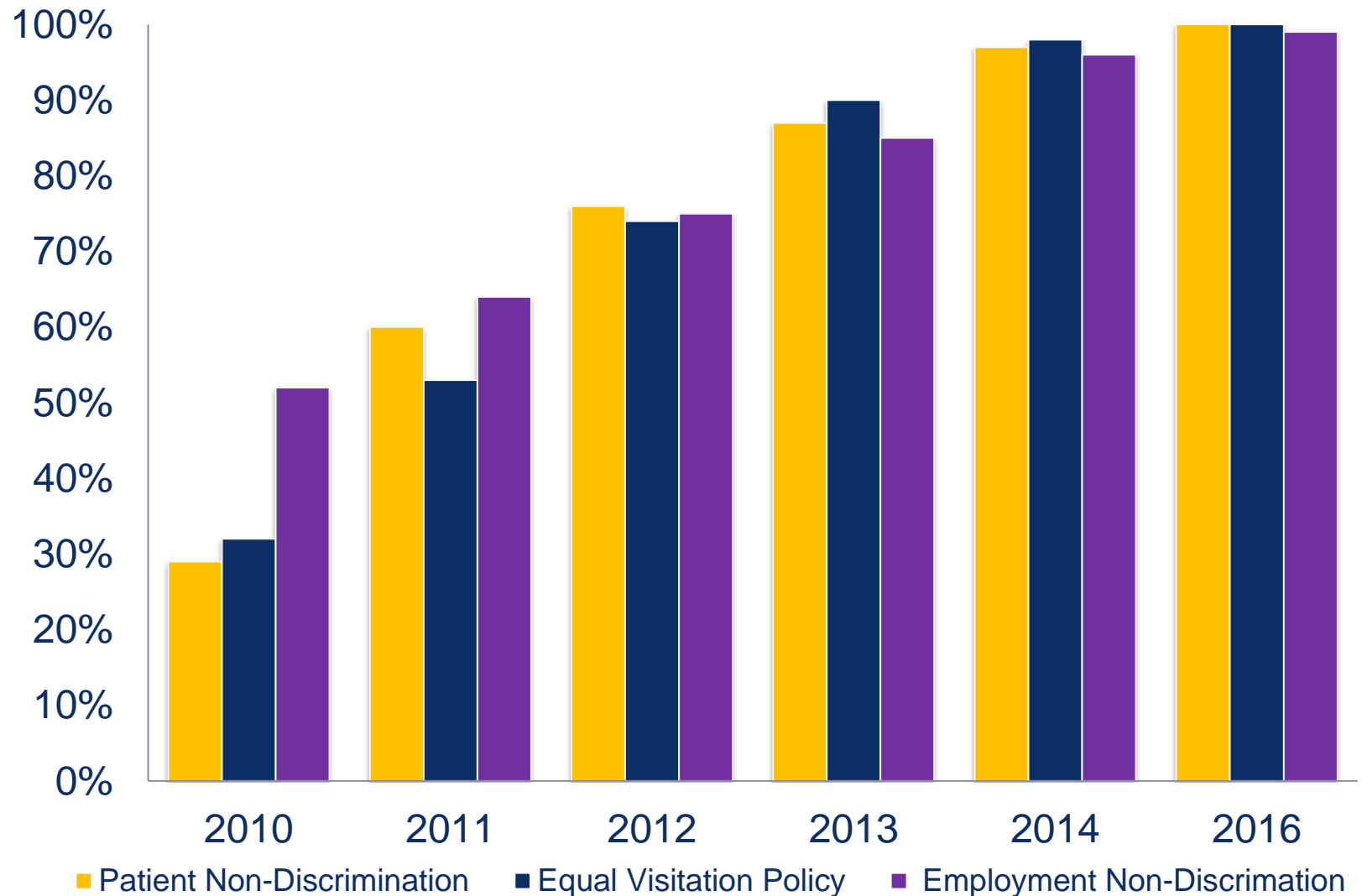
Celebrating a
Decade of Promoting
Equitable and Inclusive
Care for Lesbian,
Gay, Bisexual,
Transgender and
Queer Patients
and Their Families



Novant Health Forsyth Medical Center
Winston-Salem, NC
4 year HEI participant
Leader in LGBTQ Healthcare Equality



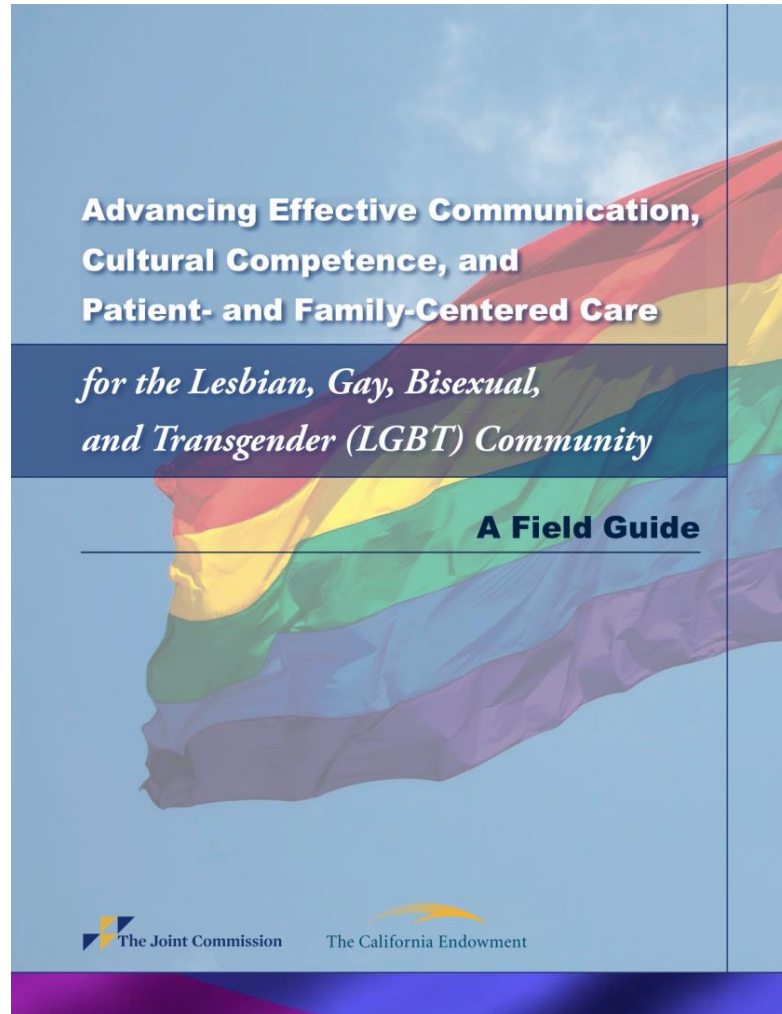
ADOPTION OF FOUNDATIONAL POLICIES





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BEST PRACTICES



**LGBTQ Patient
Services & Support**

**Transgender Patient
Services & Support**

**Patient Self
Identification**

**Medical Decision
Making**

**Employee Benefits
and Policies**

**Community
Engagement**

jointcommission.org/lgbt

HEI SCORING CRITERIA



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2017

LEADER

IN

LGBTQ HEALTHCARE EQUALITY

HEALTHCARE EQUALITY INDEX™



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SAMPLE RESOURCES

CREATING EQUAL ACCESS TO QUALITY HEALTH CARE FOR TRANSGENDER PATIENTS

TRANSGENDER-AFFIRMING HOSPITAL POLICIES



Revised May 2016



REVISITING YOUR HOSPITAL'S VISITATION POLICY

Implementing the New CMS and Joint Commission Inclusive Visitation Requirements

Hospital visitation policies have evolved over the years in response to changes in medicine, social customs and patient/family demands. Today another change is at hand. The revised standards of The Joint Commission and the new Medicare Conditions of Participation (CoPs) directly address the scope and inclusiveness of hospital visitation policies. CoPs are the health and safety standards all Medicare- and Medicaid-participating hospitals and critical access hospitals must meet. The revised CoPs and Joint Commission standards require hospitals to explain to all patients their right to choose who may visit them during an inpatient stay regardless of whether the visitor is a family member, a spouse, a domestic partner, or another type of visitor. These changes also protect the rights of hospital patients to choose a representative to act on their behalf. Hospitals must give deference to patient's wishes concerning their representatives.

This Resource will assist hospitals in revising their visitation policies to satisfy these new requirements and to ensure that patients and their representatives are best positioned to make health decisions.

Ensuring Compliance with Requirements Revised Medicare CoPs

As of January 18, 2011, in order to comply with the revised CoPs, hospitals participating in the Medicare Program must:

- » Adopt written policies and procedures concerning patients' visitation rights, including any clinically reasonable and necessary restrictions or limitations on visitation;
- » Provide notice to patients or their support persons (where appropriate) of their visitation rights, including the right to receive visitors designated by the patient. A patient may designate virtually anyone – a spouse, domestic partner (including a same-sex domestic partner), another family member, or a friend. The notice must also advise of the patient's right to withdraw or deny consent at any time;
- » Not restrict, limit, or deny visitation privileges based on race, color, national origin, religion, sex, gender identity, sexual orientation, or disability;
- » Ensure that all visitors enjoy full and equal visitation privileges consistent with the patient's preferences;
- » Respect the rights of a same-sex partner as a patient representative to make decisions on behalf of his or her partner with respect to visitation if the patient is incapacitated. Documentation to establish representative rights in order to exercise the patient's visitation rights should be required only in the limited circumstances when two or more individuals claim to be an incapacitated individual's support person;



FREE TRAINING IN LGBTQ PATIENT-CENTERED CARE

HEI participants have access to free online, on-demand, CME/CEU credited training to participants of the HEI through two different platforms:

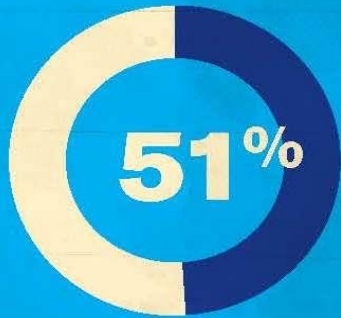
- **The Center for Affiliated Learning (The CAL)**
- **The National LGBT Health Education Center**

These two platforms offer over 60 different training options for your staff to choose from

CME's are equivalent to AMA PRA Category 1
Credit™



WHO PARTICIPATES IN THE HEI?



By the Numbers

HEI Participants
at a Glance

590 Participants
303 Leaders

WHO PARTICIPATES IN THE HEI?

Facilities from more than **110** different non-profit, for-profit and public health systems.

Systems with 10 or more participants:

101	Veterans Health Administration
38	Kaiser Permanente
22	NYC Health + Hospitals Corporation
21	Sutter Health
15	Bon Secours Health System
15	Northwell Health
13	Novant Health
11	University Hospitals of Cleveland
10	Saint Luke's Health System

148 Teaching Hospitals

27 Pediatric Hospitals

27 Religiously-Affiliated Hospitals

Participants by Bed Size

1-99	82	14%
100-299	214	36%
300-499	121	21%
500+	114	19%
Outpatient Only	59	10%

590

Hospitals of all sizes participate in the HEI, including a roughly equal balance of 12 of the smallest hospitals (less than 25 beds) and 13 of the largest hospitals (1000+ beds).



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QUESTIONS?

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