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TLDEF Urges Administration to Adopt Rule to Improve Transgender Health Access

Submits Comments to HHS Supporting Broadest Possible Rule to Ban LGBT Health Care Discrimination

New York, NY - The Transgender Legal Defense & Education Fund (TLDEF) today **submitted comments** to the U.S. Department of Health and Human Services (HHS), expressing support for improving the health and wellness of transgender Americans through a proposed **federal rule**. The new rule seeks to prohibit health care discrimination against lesbian, gay, bisexual and transgender people across the nation, ensuring increased access to care for communities that have long been excluded from the health care system.

The Nondiscrimination in Health Programs and Activities rule seeks to prohibit discrimination against LGBT people in health care facilities and ban the widespread insurance industry practice of excluding coverage for transgender health care. It would also require Medicaid to cover transgender health care. The rule is designed to implement the Affordable Care Act's non-discrimination provision, Section 1557.

Statement from TLDEF Executive Director Michael Silverman

"This common sense rule is meant to provide basic protections from discrimination for lesbian, gay, bisexual and transgender Americans. Health care facilities must no longer be able to deny them care just because of who they are. Insurance companies should be required to cover care for transgender Americans on the same terms as they do for everyone else. These protections are long overdue and will create a sea change in the ability of transgender Americans to access medically necessary health care. The rule represents a monumental step towards ensuring that transgender Americans are treated fairly in the health care system. It is vital for LGBT people to have access to medically necessary care, to be covered by insurance for that care, and to be treated with dignity and respect in medical settings.

“As we expressed in our official comments to HHS, transgender people continue to face tremendous barriers to accessing care which causes great harm to their health and well-being. The purpose of the Affordable Care Act was to ensure that all Americans had access to safe, affordable care. Under this new rule, LGBT people should finally be able to reap the benefits of our nation’s health care law.

“Health care related to gender transition is widely recognized as medically necessary by organizations such as the American Medical Association, the American Psychological Association and the World Professional Association for Transgender Health. We commend the federal government for striving to adhere to this guidance. We look forward to seeing this regulation adopted to ensure health care equality for transgender Americans.”

With the comment period now complete, the Department of Health and Human Services is expected to take final action on the proposed rule in the coming months.

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About the Transgender Legal Defense & Education Fund (TLDEF): TLDEF is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, and public policy efforts. Read more at: <http://transgenderlegal.org>.