



## **LGBT Psychology Group Opposes Trump Administration Decision to Remove Non-Discrimination in Healthcare Protections**

The Society for the Psychology of Sexual Orientation and Gender Diversity, Division 44 of the American Psychological Association (APA), opposes the federal government's rollback of non-discrimination protections for sexual and gender diverse people in the Affordable Care Act. The rollback, announced by the Department of Health and Human Services on June 12, 2020, weakens enforcement of Section 1557 of the Affordable Care Act, which prohibits discrimination in certain healthcare programs and activities based on race, color, national origin, sex, age, or disability. The ruling arrived on the four-year anniversary of the Pulse Nightclub shooting where 49 individuals, predominantly Latinx LGBTQ+, were murdered, 53 were injured, and countless others traumatized.

The rollback to regulations in [Section 1557](#) reverts to a narrow definition of sex as biology; sexual orientation remains unrecognized as a protected category. The net effect of the rollback is that healthcare workers and provider organizations would be allowed to discriminate against sexual and gender minorities in service provision solely on the basis of personal religious or moral reasons.

According to Division 44 Public Policy Committee Co-Chair Christina Patterson, PhD., "These changes will have a significant adverse impact on our transgender and non-binary community. To be clear, this means that physicians can choose not to treat trans and non-binary people, and that trans and non-binary people can be charged more for a health care plan and be denied coverage by said health care plan."

Healthcare access for sexual and gender diverse people is already perilous: research by the Center for American Progress (2018) found that about 8% of lesbian, gay, and bisexual people, and 27% of transgender and gender nonconforming people, report being denied health care due to their sexual orientation or gender identity, respectively.<sup>1</sup> Sexual and gender diverse people also report being harassed and treated negatively by medical providers at greater rates than the general population. For instance, a national study found that 24% of transgender and gender nonconforming people avoided or delayed going to the doctor when they were sick due to fears of discrimination.<sup>2</sup> Experiences with or expectations of harassment can lead many to postpone or avoid seeking health care. Providing mechanisms by which medical personnel can deny healthcare services to sexual and gender diverse people is likely to further exacerbate these experiences. This is particularly concerning for those who live in rural areas, in which there are fewer options for care, as well as for sexual and gender minorities who are also people of color, and who thus experience compounded discrimination. According to the Williams Institute (2019), 42% of LGBTQ+ people also identify as a racial or ethnic minority.

According to Michèle Schlehofer, PhD., Division 44 Public Policy Committee Co-Chair, "The removal of non-discrimination protections not only creates barriers for accessing medical care, but also contributes to poorer mental health by increasing stigma and the stress associated with receiving medical care."

Research shows that policies that discriminate, or that fail to provide equal protections, are associated with increases in stigma, discrimination, and victimization.<sup>3</sup> Conversely, a growing body of research demonstrates that non-discrimination policies that include protections for sexual and gender diverse people lead to better communication with healthcare providers<sup>3</sup> and reduced stigma, all of which leads to better physical health and mental health and outcomes.<sup>5</sup>

Division 44 affirms the APA's concerns regarding the rollback of these important protections.

Christina Patterson and Michele Schlehofer  
Co-Chairs  
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## References

<sup>1</sup>Center for American Progress (2018). Discrimination prevents LGBTQ people from accessing health care. Available: <https://www.americanprogress.org/issues/lgbt/news/2018/01/18/445130/discrimination-prevents-lgbtq-people-accessing-health-care/>

<sup>2</sup>James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality. Available at: <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

<sup>3</sup>Gleason, H. A., Livingston, N. A., Peters, M. A., Oost, K. M., Reely, E., & Cochran, B. N. (2016). Effects of state nondiscrimination laws on transgender and gender non-conforming individuals' perceived community stigma and mental health. *Journal of Gay and Lesbian Mental Health*, 20, 350-362.

<sup>4</sup>Baldwin, A. M., Dodge, B., Schick, V., Sanders, S. A., & Fortenberry, J. D. (2017). Sexual minority women's satisfaction with health care providers and state-level structural support: Investigating the impact of lesbian, gay, bisexual, and transgender non-discrimination legislation. *Women's Health Issues*, 27, 271-278.

<sup>5</sup>Hatzenbuehler, M. L., Keyes, K. M., & Hasin, D. S. (2009). State-level policies and psychiatric morbidity in lesbian, gay, and bisexual populations. *American Journal of Public Health*, 99, 2275-2281.