

TRANSGENDER HEALTH & MEDICAL-LEGAL PARTNERSHIPS



TRANSGENDER describes people whose gender identity (i.e. the inner sense of one's gender) differs from the sex they were assigned at birth.

CONTACT

For more information about medical-legal partnership:

**National Center for
Medical-Legal Partnership**

www.medical-legalpartnership.org

For more information about LGBTQ+ health:

**National LGBT Health
Education Center**

www.lgbthealtheducation.org

Partnering with Legal Services to Address Social and Structural Issues that Impede Quality Health Care for Transgender People

Discrimination in all sectors of society, including in education, health care, housing, and employment, makes transgender people disproportionately vulnerable to depression, suicidality, post-traumatic stress disorder, substance use disorders, physical and sexual victimization, and HIV infection. Transgender people have a critical need for access to quality, gender-affirming health care, as well as access to legal services that support them in addressing discrimination.^{1,2,3,4,5} To truly meet the complex needs of transgender patients, health care teams benefit from legal expertise to help navigate problems that go well beyond the health center's door. Health centers that serve transgender patients are starting to integrate on-site legal care through **medical-legal partnerships (MLPs)** in order to provide patients with legal services for social and structural issues that are directly affecting their health.



Medical-Legal Partnership in Practice

Bryan, a transgender man, came to Whitman-Walker Health for help updating his name and gender on his identity documents.

Whitman-Walker Health, a Federally Qualified Health Center in Washington D.C., has a monthly clinic specifically to help people with exactly that. Staff attorneys from the health center's legal care team counseled Bryan on the Virginia name change process and helped him obtain a court order for his name change. Later, Bryan returned to Whitman-Walker Health Legal Services to get help updating his identity documents — driver's license, Social Security account/card, birth certificate, and passport — to reflect his legal name and male gender marker.

During this time, Bryan shared that he recently underwent a hysterectomy as part of his medical transition and was billed over \$45,000 for the procedure because his employee health plan refused to cover the surgery. Bryan was extremely stressed by this financial responsibility as he struggled to make his monthly payments. Whitman-Walker Health staff attorneys filed an administrative appeal with Bryan's insurer, highlighting that denial of coverage for medically necessary transgender care is discrimination. The denial was upheld, so Whitman-Walker Health Legal Services' team initiated an employment discrimination claim, and due to the prolonged nature of such a claim, Whitman-Walker Health Legal Services continued its advocacy with the insurer.

Ultimately, the insurer relented and reprocessed Bryan's claim as a covered benefit. Bryan was very relieved and appreciative for the legal assistance that resolved his enormous medical bill. Without legal help, he believes he would have spent down his life savings and retirement funds.






...if I am reading the documents right, my insurance has decided to step up and cover most all of what I was billed!!! Didn't you feel the warm, thankful vibes I was sending your way??? ...I have been on cloud nine all weekend & I have YOU to thank for that!!!... 'Thank you' just isn't enough!!! You are my Super Hero!!

An email from Bryan to his lawyer



How Legal Services Help Address Specific Social Determinants of Health For Transgender People

SOCIAL DETERMINANT	COMMON BARRIERS TO HEALTH FOR TRANSGENDER PATIENTS	HOW LEGAL SERVICES CAN HELP
<p>HEALTH AND HEALTH CARE</p> 	<p>Insurance Coverage</p> <ul style="list-style-type: none"> Gender-affirming medical and surgical interventions are necessary to support the health of transgender people,⁶ and yet insurance policies frequently exclude these services or deem them not medically necessary.⁷ Transgender patients face denials of coverage for sex-specific care that differs from the gender marker or name on their records (e.g. a transgender man denied coverage for a Pap smear).⁸ 	<p>Lawyers can aid patients in the confusing, onerous appeals process necessary to overcome insurance denials.</p>
<p>EQUAL ACCESS TO WORK AND EDUCATION</p> 	<p>Medical Decision-Making</p> <p>Transgender people with unsupportive family members can lose control of their medical decision-making if they become incapacitated.</p> <hr/> <p>Employment Discrimination</p> <p>Nearly half of transgender people report being fired, not hired, or denied a promotion because they are transgender or gender non-conforming.⁹</p> <hr/> <p>Education Discrimination</p> <ul style="list-style-type: none"> Most transgender students who are out at school report one or more negative experiences, including not being allowed to dress how they want, or being verbally harassed, physically attacked, or expelled.¹⁰ Poor treatment in school is associated with increased risk of suicide, homelessness, and working in the underground economy.^{11,12} 	<p>Lawyers can draft health care directives and wills to ensure a transgender person's autonomy and gender identity is honored.</p> <hr/> <p>Lawyers can help transgender people understand their rights at work under nondiscrimination laws, and seek redress for workplace discrimination with the aim of remaining or becoming employed.</p> <hr/> <p>Federal law protects students in public and most private schools. Lawyers can help people report and address discrimination so students can safely stay in school.</p>
<p>ECONOMIC STABILITY</p> 	<p>Legal Name and Gender Marker Change</p> <p>Many transgender people have a name and gender identity that differ from what is on their driver's license and other forms of identification (ID), placing them in danger of harassment, assault, and refusal of service or employment. To change names and gender markers on their IDs, transgender people often must overcome discriminatory treatment from court employees, prohibitive fees, and the need for notarized letters with proof of specific surgeries.</p> <hr/> <p>Housing and Shelter Discrimination</p> <p>Nearly 20% of transgender people have experienced homelessness. Of those who have attempted to stay in a homeless shelter, 29% have been turned away, and 22% were sexually assaulted by residents or staff.¹³</p> <hr/> <p>Public Accommodations Discrimination</p> <p>Transgender people endure verbal harassment and denial of services when accessing public accommodations, such as retail stores, restaurants, buses, and government agencies, wreaking havoc on emotional and physical health.¹⁴</p>	<p>Lawyers can provide name change services, recruit pro bono assistance, or offer free legal clinics that address name and gender marker change, helping to reduce fees and ease the difficult process.</p> <hr/> <p>Lawyers can ensure that laws prohibiting discrimination on the basis of gender identity are upheld.</p> <hr/> <ul style="list-style-type: none"> Lawyers can enforce state laws preventing discrimination in public accommodations. Lawyers can help reduce discrimination by contributing to community outreach and cultural sensitivity training programs.

MEETING PEOPLE WHERE THEY ARE:

Bringing Legal Services Directly to Transgender Patients

Medical-legal partnerships (MLPs) integrate legal services and expertise into health care settings. Lawyers become an important part of the health care team, taking referrals and providing consultations just like any other specialist. Health care and legal professionals identify problems like those outlined in the chart on page three, and together, they establish protocols and interventions to address many of these needs at the health care site. It is a highly flexibly intervention that adapts to the needs of a specific population and setting. Typically MLPs¹⁵ :

1. **HAVE A “LAWYER IN RESIDENCE”** who works on-site at the health care organization.
2. **HAVE A FORMAL AGREEMENT** between the participating health and legal organizations outlining responsibilities and services.
3. **DEFINE A TARGET POPULATION** to receive services.
4. **SCREEN PATIENTS FOR HEALTH-HARMING LEGAL NEEDS** to find those patients who might not otherwise have their health-harming legal needs identified or addressed.
5. **HAVE DEDICATED LEGAL STAFFING** to provide MLP services at the health care organization.
6. **TRAIN HEALTH CARE PROVIDERS ON COMMON SOCIAL DETERMINANTS OF HEALTH** and how legal expertise and services can help mitigate the negative impact of social determinants on health and health care.
7. **SHARE INFORMATION** about patients between health and legal staff to solve health-harming legal problems and address social determinants.
8. **DESIGNATE FINANCIAL RESOURCES** to support the medical-legal partnership activities.



WHAT IT LOOKS LIKE ON THE GROUND:

Medical-Legal Partnerships as Part of Transgender Health Care

Several medical-legal partnerships across the country provide a range of gender-affirming legal services to promote the health and wellness of LGBTQ+ patients, while also conducting trainings to educate patients about their rights.

LOS ANGELES CALIFORNIA	HEALTH CARE ORG Los Angeles LGBT Center's Transgender Health Program	LEGAL PARTNER Bet Tzedek Legal Services	YEARS IN OPERATION 1	LEGAL SERVICES OFFERED BY ALL THREE MEDICAL-LEGAL PARTNERSHIPS: <ul style="list-style-type: none">• Name and gender marker updates, including advocating with local offices for inclusive practices• Health insurance eligibility and coverage appeals, including for gender affirming surgery• Fighting discrimination and harassment based on gender identity in employment, housing, and public accommodations• Advanced directive preparation• Immigration support
NEW YORK NEW YORK	HEALTH CARE ORG Callen-Lorde Community Health Center	LEGAL PARTNER Legal Services NYC	YEARS IN OPERATION 8	
WASHINGTON DISTRICT OF COLUMBIA	HEALTH CARE ORG Whitman-Walker Health	LEGAL PARTNER Lawyers employed by health center	YEARS IN OPERATION 32	

A CLOSER LOOK AT WHITMAN-WALKER HEALTH

In 1986, Whitman-Walker Health in Washington, DC, became the first health center to hire an in-house lawyer. At the time, the lawyer was helping HIV/AIDS patients write wills, secure disability benefits, and fight discrimination—all to ease suffering as they prepared for the end of life. Thankfully, advancements in medical treatment mean that people with HIV/AIDS are living

longer, healthier lives. It also means that the health center's now 10 attorneys, two paralegals, and 15 insurance navigators play a very different role in patient care.

The health center's legal care team screens its patients, including people living with HIV and the LGBTQ+ communities, for health-harming legal problems, and works to address legal barriers to care. Insurance navigators assist patients by determining their eligibility for health insurance and assisting them to enroll in insurance for which they are eligible. Navigators also

Since launching Washington, D.C.'s only name and gender change clinic in June 2012, Whitman-Walker Health has helped nearly

1,500 

TRANSGENDER CLIENTS WITH IDENTITY DOCUMENTS.

troubleshoot eligibility, coverage, and cost of care issues. When an appeal is needed, they partner with the lawyers on the team. Navigators also proactively identify social and legal needs by using the information from insurance screening, and address issues promptly. Legal issues include battling discrimination in workplaces, public accommodations, schools, housing, and health care; enrolling in and using public benefits programs; pursuing immigration relief; obtaining adequate coverage under public and private health insurance programs; ensuring rights with future planning documents; and obtaining accurate identity documents.

Since launching Washington, D.C.'s only name and gender change clinic in June 2012, Whitman-Walker Health has helped nearly 1,500 transgender clients with identity documents. This monthly clinic also serves as a point of entry for clients facing other legal barriers and needing transgender-friendly medical and behavioral health services.

As the legal care team identifies system-wide barriers, they work with other social service and government agencies to provide transgender-specific cultural sensitivity training and education about best practices for service delivery. The demand for legal assistance among low-income, transgender residents in DC has grown exponentially. A lawyer plays a critical role in promoting health and wellbeing by working to protect the basic needs and rights of individual transgender clients and their access to health care.

Whitman-Walker Health, like many other health centers with medical-legal partnerships, has taken their work from patients to policy. Through individual patient referrals they to detect patterns of systemic need, and go upstream and address barriers to good health at the source. Recently, their advocacy has ensured platinum health plans critical to care for individuals with chronic conditions remained available on the D.C. Health Exchange¹⁶, and removed insurance access barriers to time-sensitive HIV medications¹⁷.



For many of our transgender patients, their first point of contact is often our Name and Gender Change Legal Clinic to update identity documents. Helping to navigate this process can open the door for the patient to seek care and address other health issues. At Whitman-Walker Health, we see lawyers as vital members of our care team.

Thomas Coughlin

DIRECTOR OF GENDER AFFIRMING SERVICES, WHITMAN-WALKER HEALTH



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National LGBT Health Education Center

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