



# Health Care Fairness

## A Priority In 2009

*A gay man is denied medical care because the doctor disapproves of him and his partner having a child with a surrogate mother.*

*A young transgender woman is denied her hormone medication while in the custody of a juvenile detention facility.*

*A man with HIV is refused back surgery because the surgeon is unwilling to operate.*

*An older lesbian couple is unable to find an affordable nursing home where they can live together in dignity.*

*A disabled man with HIV is turned down by six nursing homes before he can find a place to live and receive care.*

*A lesbian is not allowed to sit by the bedside of her partner who lies dying in the hospital, because hospital employees don't recognize their relationship as valid.*

At Lambda Legal, we receive hundreds of calls every year from LGBT people and people with HIV facing prejudice and unfair treatment from health care providers and facilities. The examples cited in the beginning of this article are, in fact, actual Lambda Legal cases. Our HIV Project has been representing people with HIV for more than 20 years to help them secure equal access to care, affordable medications and unbiased treatment. By taking on certain cases and addressing many others through our Help Desk, we have been helping LGBT people and people with HIV fight back when they are denied coverage or care or when their relationships or health care choices are not treated with respect. And we've been out in the community sharing our new *Take the Power* toolkit and educating people about the importance of preparing legal documents that help protect them during a medical emergency or in a hospital setting.

Our caseload reflects the injustices our community members face every day. Just last year, we won a legal victory for Lupita Benitez, a lesbian in California who was denied fertility treatment by doctors who claimed that their religious beliefs gave them the right to ignore discrimination laws. We are also seeking justice for Janice Langbehn and her children, because a hospital in Miami refused to recognize her and her children as family and prevented her from visiting her partner as she lay dying. And we are representing Dennis Barros in his fight against a Florida fertility clinic that refused to provide medical care to him because he is gay.

**Lambda Legal's National Campaign for Health Care Fairness**  
Solving problems one at a time is important, but we are ready to raise our voices even louder and build a powerful campaign for health care fairness. As a new president takes office, health care reform is near the top of the national agenda. We want to make sure that equal access and fairness for LGBT people and people with HIV are part of the vision for the future of health care in our nation.

What does health care fairness for LGBT people and people with HIV look like? We plan to work together with advocates, partners and consumers to build a platform for health care reform

Finding decent, affordable health care is not always easy, but when LGBT people and people with HIV face prejudice and discrimination, it makes a difficult situation a lot worse. Reform of the health care system was a key issue in the presidential campaign, and health care fairness is a high priority for Lambda Legal, too. People are most vulnerable when they are sick or have medical needs. That's when every person needs care, compassion and fairness — not extra barriers and obstacles to overcome.



that addresses issues across the spectrum of health and wellness. We seek full, equal access to all medically appropriate health care services for all LGBT people and people with HIV, including access to reproductive health care without bias based on sexual orientation, gender identity and expression, HIV or family status; privacy and confidentiality for all patients, including transgender people and people with HIV; recognition and respect for all of our families, including respect for decision-making and visitation rights for same-sex partners and their children; equal access to affordable health care insurance for same-sex spouses, partners and their children, and elimination of insurance policy exclusions for transgender care; fair and comprehensive health care services for incarcerated youth and adults or others in state custody, particularly transgender people with a medical need for gender transition and people living with HIV; policies and practices that protect informed consent for HIV testing; protection of the freedom and individual liberty of patients to seek and obtain all medically appropriate care without discrimination based on the religious views of health care providers; equal access to mental health and substance abuse treatment and services that are medically appropriate and nondiscriminatory for LGBT people and people with HIV; fair, secure and compassionate medical care and services LGBT seniors and older people with HIV.

Lambda Legal's national campaign for health care fairness will include a survey, available on our website and at Pride celebrations around the country, so that we can learn more about the obstacles and discrimination faced by LGBT people and people with HIV. We will also work with the Gay and Lesbian Medical Association (GLMA) and other partners to prepare research and policy proposals for advocates and decision-makers to help shape the national health care reform agenda.

The most basic rule that health care providers learn is "First do no harm." But disrespect or denial of care to LGBT people or

people with HIV is very harmful. And a health care system that excludes coverage for partners or dependents of some people because of their sexual orientation, gender identity or family status harms everyone. When health care providers and institutions discriminate, they are failing to meet the basic standard of care.

### What You Can Do

First, take care of yourself and your loved ones by taking stock of your situation and planning accordingly. Our *Take the Power: Tools for Life and Financial Planning* publication gives detailed information on how to begin (<http://www.lambdalegal.org/takethepower>). Then, join with Lambda Legal, GLMA and others to make sure that every person has access to fair and equal health care without bias based on sexual orientation, gender identity or expression, HIV or family status. Sign up online as a "Partner for Health Care Fairness" so we can build a broad base of support.

### Health Care Fairness is Basic

It can be hard to fight for your rights when you are sick or facing an emergency — the most important thing is to get the best care and get well. That's why we all need to fight together now for health care protections and a system that guarantees fairness. Everyone is entitled to that. **L**

## Sign your name to the Partners for Health Care Fairness petition online at [lambdalegal.org](http://lambdalegal.org)!

### Dear President Obama:

I am joining with Lambda Legal as a partner for health care fairness in the United States. As we reform the health care system in our country, fairness for LGBT people and people with HIV must be addressed.

The United States' health care system must include:

- full and equal access to all medically appropriate health care without bias based on sexual orientation, gender identity or expression, HIV or family status
- privacy and confidentiality for all patients, including transgender people and people with HIV
- recognition and respect for all our families, including same-sex couples and their children
- equal access to affordable health care insurance for same-sex spouses, partners and their children, and

elimination of insurance policy exclusions for transgender care

- fair and comprehensive health care services for youth and adults in custody
- informed consent for HIV testing and appropriate educational and medical services
- freedom and individual liberty for patients to seek and obtain all medically appropriate care without restrictions based on the personal or religious views of providers
- equal access to mental health and substance abuse treatment and services for LGBT people and people with HIV
- fair and compassionate services for LGBT seniors and older people with HIV

Sincerely,  
Lambda Legal's Partners for Health Care Fairness

