

Center for American Progress



National Coalition  
for LGBT Health



# Changing the Game

What Health Care Reform Means for Gay, Lesbian, Bisexual,  
and Transgender Americans

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# Introduction and summary

President Barack Obama moved forcefully to tackle injustice and discrimination against lesbian, gay, bisexual, and transgender Americans by signing into law two bills long championed by LGBT and human rights organizations.\* First is the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which expanded the 1969 federal hate crimes law to include crimes motivated by bias against someone's real or perceived sexual orientation or gender identity. Second is the repeal of "Don't Ask, Don't Tell," the military's ban on service by openly gay, lesbian, or bisexual individuals.

But as Dr. Martin Luther King, Jr. reminded us almost fifty years ago, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." The Affordable Care Act, the health care reform law passed in March 2010, seeks to remedy this injustice by transforming the U.S. health system. The law expands access to health and affordable health care for millions of people in America, including gay and transgender Americans and others who are among our society's most vulnerable.

Thanks to the Affordable Care Act, many gay and transgender Americans who were never able to afford health insurance or health care soon will be able to apply for Medicaid or affordable private coverage in every state. They will not be subject to denials of insurance coverage on the basis of pre-existing conditions or to arbitrary rescission of vital coverage when they become ill. The Affordable Care Act is also key to efforts such as expanding cultural competency in the health care workforce to include LGBT issues, making preventive care available to everyone who needs it, improving data collection to better identify and address health disparities, and recognizing the increasing diversity of America's families.

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\* This paper uses "LGBT" and "gay and transgender" interchangeably. Both terms refer to the full range of people who identify as gay, lesbian, bisexual, and/or transgender.

Despite these and other benefits for the LGBT community, the impact of the Affordable Care Act on gay and transgender people and their families remains largely unexplored. This report explains how the new health law already affects this community, and how they and their allies can continue to advocate for broad inclusion as the law is fully implemented between now and 2014.

In the pages that follow, we first provide an overview of the need for health care reform, including the health disparities experienced by gay and transgender Americans that the law must address. This is followed by a brief discussion of several provisions of the Affordable Care Act that hold particular promise for improving the health and well-being of the LGBT community. Next, we investigate four major areas where efforts by LGBT advocates and their allies in each state will be key to ensuring that the new health law delivers the largest possible positive results for the LGBT community when the law is fully implemented by 2014. Specifically, these areas are:

- Achieving comprehensive nondiscrimination protections in health insurance exchanges
- Establishing LGBT-inclusive data collection policies
- Recognizing and including LGBT families in all health reform activities
- Supporting community-based health interventions that are LGBT-inclusive

In each of these four areas we include recommendations for federal officials and state governments. Briefly, those recommendations include:

- Establish comprehensive and LGBT-inclusive nondiscrimination policies and practices in health insurance exchanges
- Improve our knowledge base on LGBT health disparities, by including sexual orientation and gender identity demographic questions in federal health surveys
- Recognize and include gay and transgender families in the new health law, by making sure that definitions of family are not solely based upon marriage and adoption laws that automatically exclude LGBT families
- Create community-based healthcare interventions that are responsive to the needs of gay and transgender people

We will examine these recommendations in more detail at the end of the paper. But first we discuss why our nation's healthcare system has been badly in need of reform, and the barriers to good, affordable care that LGBT people currently face.

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The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

### About the National Coalition for LGBT Health

The Coalition is committed to improving the health and well-being of lesbian, gay, bisexual, and transgender individuals through federal advocacy that is focused on research, policy, education, and training.

The LGBT community includes individuals of every sexual orientation, gender, gender identity, race, ethnicity, and age; regardless of disability, income, education, and geography. Our members are dedicated to effecting change by uniting this rich diversity at the national level.

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