

YOUR HEALTH YOUR RIGHTS

A GUIDE TO LGBTQ+ HEALTHCARE RIGHTS

Center for Patient Partnerships
Research, Education, Advocacy. Justice.

Your health and well-being are of the utmost importance. At the Center for Patient Partnerships (CPP), we know that as an LGBTQ+ individual, it's important to know your specific rights and protections in healthcare settings. This pamphlet will guide you through some of those rights and protections.





Your Rights at a Glance

- Care Without Discrimination
- Appeal Insurance Decisions
- File a Complaint
- Health Insurance Coverage
- Choose Your Provider

This pamphlet isn't meant to replace professional legal advice or advocacy. Everyone's situation is unique, and what works for one person may not be right for another.

What this guide can do is reassure you that, no matter who you are, where you are, or what you're going through, you have rights and options to protect yourself. If you ever feel like you need more support, please reach out to us. We're here to help you or connect you with someone who can.

You have the right to:

receive care without discrimination based on your sexual orientation, gender identity, or expression.

FEDERAL PROTECTIONS: Under Section 1557 of the Affordable Care Act, discrimination on the basis of sex, including gender identity and sexual orientation, is prohibited in any health program or activity that receives federal funding.

STATE PROTECTIONS: Wisconsin law prohibits discrimination based on sexual orientation in various settings, including in healthcare. The Wisconsin Office of the Commissioner of Insurance enforces these protections to ensure fair treatment for all patients.



WHAT THIS MEANS FOR YOU:

- Healthcare providers cannot refuse to treat you because of your LGBTQ+ identity
- You are entitled to the same quality of care as any other patient
- You should be **addressed by your lived name and pronouns** in all healthcare settings

HOW WE CAN HELP:

- Provide advocacy and support if you experience discrimination
- Assist in communicating with healthcare providers and organizations about your experiences
- Offer resources and guidance on your rights and how to address discrimination

You have the right to:

health insurance coverage that does not discriminate based on your sexual orientation or gender identity.

FEDERAL PROTECTIONS: Section 1157 of the Affordable Care Act ensures that most insurance plans cannot deny or limit coverage for medically necessary services for LGBTQ+ individuals.

ESSENTIAL HEALTH BENEFITS: Insurers must cover essential health benefits like preventative care, such as HIV testing and mental health care.



WHAT THIS MEANS FOR YOU:

- You cannot be denied health insurance coverage or have coverage terminated because of your gender identity or sexual orientation.
- In general, gender-affirming surgeries and treatments should be covered by health insurance policies if they are deemed medically necessary.
- You have the **right to appeal if your insurance denies coverage.**

HOW WE CAN HELP:

- Help you understand your insurance coverage policy and your rights
- Provide resources and advocacy to ensure fair and comprehensive coverage
- Assist in navigating insurance prior authorizations, denials, and appeals

You have the right to:

appeal health insurance decisions.

A “no” from your insurance company does not always mean they won’t cover the requested care!



INTERNAL APPEAL: If your insurance denies a claim, you can ask your insurer to conduct a full and fair review of its decision.

EXTERNAL REVIEW: If your internal appeal is denied, you can request an external review by an independent third party, so long as the denial was made based on a medical determination.

WHAT THIS MEANS FOR YOU:

- Keep records of all communications with your insurer.
- Don’t hesitate to seek help from patient advocacy groups, like the Center for Patient Partnerships, for guidance throughout the appeals process.

HOW WE CAN HELP:

- Guide you through the appeals process step by step
- Help you understand insurance documentation and communicate with your insurer
- Advocate on your behalf to ensure appeals are handled fairly and thoroughly



You have the right to:

name who can visit you in the hospital, who can make decisions for you, and how providers should treat you.

DESIGNATED VISITORS: Using a Hospital Visitation Directive, you can ensure that chosen family members are able to visit you if you become ill or hospitalized.

HEALTHCARE PROXY: Using a Power of Attorney for Healthcare form (POAHC), you can appoint someone you trust to make medical decisions on your behalf if you become unable to do so.

WISHES FOR YOUR CARE: Using a Living Will document, you can outline standards for your care - including things like: the name and pronouns providers should use for you, the clothes you should be dressed in, the HRT regimen to follow, etc. - that must be adhered to unless it significantly interferes with other necessary medical care.

WHAT THIS MEANS FOR YOU:

- Filling out Advance Directives gives you power over your medical care, even if it becomes difficult or impossible to speak for yourself.
- Being prepared for the worst-case scenario can help your friends and family members know how to best respect your wishes.

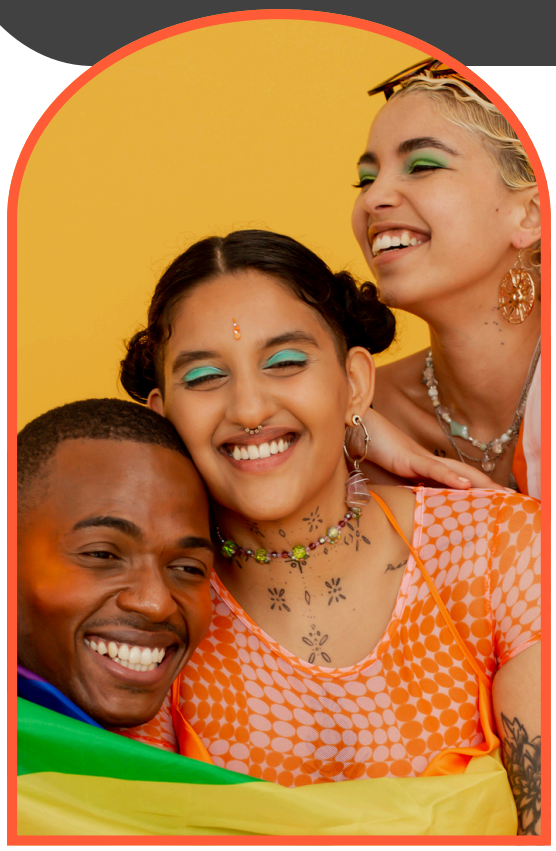
HOW WE CAN HELP:

- Help you complete Advance Directive forms and file them with your healthcare provider
- Offer assistance and guidance when Advance Directive documents are not being respected
- Talk to you about Advance Directive considerations that are unique to the LGBTQ+ community

You have the right to:

the privacy and confidentiality of your health information.

HIPAA: The Health Insurance Portability and Accountability Act (HIPAA) ensures that your health information is kept private and secure. Healthcare providers, insurers, and other entities that handle your health information are required to protect it from unauthorized access.



WHAT THIS MEANS FOR YOU:

- Your health information, including details about your sexual orientation and gender identity, must be kept confidential.
- You have the right to access your medical records and request corrections if needed.
- Healthcare providers must obtain your consent before sharing your health information, except in specific legally permitted circumstances.

HOW WE CAN HELP:

- Provide guidance on your privacy rights under HIPAA
- Offer support if you believe your health information has been mishandled or disclosed without your consent
- Talk to you about the limitations of electronic health records in keeping your sexual orientation, gender identity, lived name, and pronouns confidential

You have the right to:

file a complaint if you experience discrimination.

OFFICE FOR CIVIL RIGHTS (OCR): If you've been discriminated against by a healthcare provider or insurer, file a complaint with OCR within 180 days of the discriminatory act at https://www.hhs.gov/civil-rights/filing-a-complaint/index.html

WISCONSIN COMMISSIONER OF INSURANCE: If you've been discriminated against by an insurer, file a complaint with the Wisconsin Office of the Commissioner of Insurance at https://oci.wi.gov/Pages/Consumers/Types-of-Complaints.aspx

WHAT THIS MEANS FOR YOU:

- Document all instances of discrimination, including dates, times, and names of individuals involved.
- Filing a complaint can help prevent other LGBTQ+ folks from facing the same discrimination you experienced.



HOW WE CAN HELP:

- Assist with writing and filing discrimination complaints.
- Support you throughout the complaint process to ensure your voice is heard.
- Advocate on your behalf to seek resolution and accountability for discriminatory practices
- Work to prevent future discrimination



RESOURCES & SUPPORT

PATIENT ADVOCACY GROUPS:
The Center for Patient Partnerships, OutReach LGBTQ+ Community Center, Advocates for Trans Equality, and the Human Rights Campaign offer further resources and support.

LEGAL AID:
If you need legal assistance, reach out to organizations like Lamda Legal, Transgender Law Center, and GLAD. For law firms in Wisconsin, check out those listed in the Wisconsin LGBT Chamber of Commerce's Buisness Directory.

INSURANCE:
Contact Covering WI for guidance on navigating insurance.

STAY HEALTHY & EMPOWERED

Navigating healthcare as an LGBTQ+ individual can be challenging, but knowing your rights is a strong step towards ensuring you receive the care you deserve. Advocate for yourself, seek support when needed, and always remember that your health and well-being are paramount.



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