

Speaker Nancy Pelosi  
U.S. House of Representatives

May 16, 2019

Re: H.R. 5, The Equality Act

Dear Speaker Pelosi,

The Fenway Institute at Fenway Health in Boston writes in strong support of the Equality Act. We thank you for your leadership in bringing it up for debate and a vote this week.

Discrimination on the basis of sexual orientation and gender identity is a major public health concern. It occurs across the life spectrum and intersects with discrimination on the basis of sex, race/ethnicity, religion, and other demographic factors. In fact, many surveys indicate that anti-LGBT discrimination disproportionately affects LGBT people of color. A survey of 294 LGBT youth of color in Boston in 2015 found that 45% reported experiencing racial/ethnic discrimination, 41% reported experiencing sexual orientation discrimination, and 35% reported experiencing gender expression discrimination. A third (33%) reported experiencing five or more types of discrimination over the past year, while only 12% reported experiencing no discrimination in the past year.<sup>1</sup>

Experiencing discrimination in employment, housing, and public accommodations correlates with negative physical and mental health symptoms, including headache, upset stomach, pounding heart, feeling sad, feeling upset, and feeling frustrated.<sup>2</sup> Anti-LGBT discrimination in health care is widespread,<sup>3</sup> and correlates with poorer health and well-being for LGBT people, and can cause LGBT people to not access health care. This exacerbates health disparities that LGBT people experience.<sup>4</sup>

Discrimination—and even the potential for discrimination—can deter LGBT people from seeking care. A survey by the Center for American Progress found that 14 percent of LGBTQ people who had experienced discrimination on the basis of their sexual orientation or gender identity in the past year reported avoiding or postponing care that they needed.<sup>5</sup>

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<sup>1</sup> Conron K, Wilson J, Cahill S, Flaherty J, Tamanaha M, Bradford J (2015, November 30). *Our health matters: Mental health, risk, and resilience among LGBTQ youth of color who live, work, or play in Boston*. Fenway Institute. <https://fenwayhealth.org/wp-content/uploads/our-health-matters.pdf>

<sup>2</sup> Reisner SL, White Hughto JM, Dunham E, Heflin K, Begenyi JB, Coffey-Esquivel J, Cahill S (2015). Legal protections in public accommodations settings: A critical public health issue for transgender and gender nonconforming people. *Milbank Quarterly*. 1-32.

<sup>3</sup> Lambda Legal. 2010. *When Health Care Isn't Caring: Lambda Legal's Survey of Discrimination against LGBT People and People with HIV*. New York: Lambda Legal.

<sup>4</sup> Institute of Medicine Committee on Lesbian, Gay, Bisexual, and Transgender Health Issues and Research Gaps and Opportunities (2011). *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding*. Washington, DC: National Academies Press, 2011. <https://www.iom.edu/~media/Files/Report%20Files/2011/The-Health-of-Lesbian-Gay-Bisexual-and-Transgender-People/LGBT%20Health%202011%20Report%20Brief.pdf>.

<sup>5</sup> Ahmed Mirza, Shabab and Rooney, Caitlin (2018). *Discrimination Prevents LGBTQ People from Accessing Health Care*. Washington, DC: Center for American Progress. Retrieved from:

A study that the Fenway Institute conducted with 452 transgender residents of Massachusetts found that one in four (24%) reported experiencing discrimination in a health care setting in the past year. Of those reporting discrimination in health care, 19% did not seek care when they were sick or injured subsequent to that experience of discrimination, and 24% did not seek subsequent preventive or routine care.<sup>6</sup>

Organizations like the Joint Commission,<sup>7</sup> Healthy People 2020,<sup>8</sup> and the Institute of Medicine<sup>9</sup> have all noted the striking health disparities affecting LGBT people and prioritized reducing or eliminating them. The ability of LGBT people to access nondiscriminatory health care is essential to reducing LGBT health disparities and improving health equity and quality of care.

The Equality Act is needed even more because the Trump Administration has promoted anti-LGBT discrimination in a wide range of policy areas,<sup>10</sup> including by implementing religion and “conscience”-based policies that could increase anti-LGBT discrimination in health care and other areas of society.<sup>11</sup>

We urge you to pass the Equality Act. Thank you for standing up for fairness and equal protection under law.

Sincerely,

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<https://www.americanprogress.org/issues/lgbt/news/2018/01/18/445130/discrimination-prevents-lgbtq-people-accessing-health-care/>.

<sup>6</sup> Reisner et al., 2015.

<sup>7</sup> The Joint Commission: *Advancing Effective Communication, Cultural Competence, and Patient- and Family-Centered Care for the Lesbian, Gay, Bisexual, and Transgender (LGBT) Community: A Field Guide*. Oak Brook, IL, Oct. 2011. Retrieved from: <http://www.jointcommission.org/assets/1/18/LGBTFieldGuide.pdf>

<sup>8</sup> Healthy People 2020. *Lesbian, Gay, Bisexual, and Transgender Health*. Office of Disease Prevention and Health Promotion. <https://www.healthypeople.gov/2020/topics-objectives/topic/lesbian-gay-bisexual-and-transgender-health>

<sup>9</sup> Institute of Medicine. 2011. *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding*.

<sup>10</sup> Cahill S, Wang T, Jenkins B (2019, January). *Trump Administration continued to advance discriminatory policies and practices against LGBT people and people living with HIV in 2018*. Boston: The Fenway Institute.

[https://fenwayhealth.org/wp-content/uploads/Trump-Administration-Impact-on-LGBTs-Year-Two-Brief\\_Web.pdf](https://fenwayhealth.org/wp-content/uploads/Trump-Administration-Impact-on-LGBTs-Year-Two-Brief_Web.pdf)

<sup>11</sup> Cha, A., Eilperin, J. (2018, January 17). New HHS civil rights division to shield health workers with moral or religious objections. *Washington Post*. [https://www.washingtonpost.com/national/health-science/trump-administration-creating-civil-rights-division-to-shield-health-workers-with-moral-or-religious-objections/2018/01/17/5663d1c0-fbe2-11e7-8f66-2df0b94bb98a\\_story.html](https://www.washingtonpost.com/national/health-science/trump-administration-creating-civil-rights-division-to-shield-health-workers-with-moral-or-religious-objections/2018/01/17/5663d1c0-fbe2-11e7-8f66-2df0b94bb98a_story.html)

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