



# Trans Health Project

*Working for Transgender Equal Rights*

## New York Medical Discrimination Fact Sheet

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### Know your rights

- **Medical providers and facilities cannot discriminate on the basis of transgender status.** The New York City and State Human Rights Laws and the federal Affordable Care Act prohibit discrimination against transgender people under the categories of sex/gender, gender identity/transgender status, and disability. It is illegal for you to be harassed or denied treatment because of being transgender.
- **You have the right to be addressed by your preferred name and pronoun.** The NYC Commission on Human Rights has issued *Guidelines Regarding Gender Identity Discrimination* that state, for example: [“individuals should be addressed with names, titles, pronouns, and other terms appropriate to their gender identity”](#) regardless of whether you have had a legal name change.
- **You have the right to be housed according to your affirmed gender.** Under the NYC *Guidelines*, “not allowing individuals to use a restroom or other sex-segregated facility consistent with their gender identity or gender expression” is evidence of discrimination. Similar protections can be asserted under the State Human Rights Law and the Affordable Care Act.

### What to do if you experience discrimination

1. Take notes. Document the date, time, place, what happened, and who was there. Get names of perpetrators and witnesses (including contact information), if possible.
2. Report each incident to the appropriate staff. Ask to speak to a supervisor if necessary.
3. If the discrimination is memorialized in any writing (letters, e-mails, etc.), obtain a copy.
4. File complaints and retain copies. If you have experienced discrimination from a medical provider or facility because you are transgender you can file a complaint and have this discrimination addressed. **Be aware that there are deadlines to file complaints.**

### Where to file a complaint

Each agency below enforces a different law or policy, so you can file with multiple agencies. If you think you want to file a lawsuit, consult with an attorney before filing a complaint.

Many of these agencies have explicitly requested to receive complaints from transgender individuals. It is extremely important to file complaints so that the entity is on notice that there is a problem. Even if you do not feel your case has been adequately addressed, having a record of complaints will be helpful for future individuals by establishing that there is a pattern of unresolved discrimination.

- **Doctor's office.** File a written complaint with the provider.
- **Hospital or medical facility.** Often they have a “patient advocate” or ombudsperson who is charged with receiving complaints. Their contact information can be found by looking on the hospital's website or calling the hospital and asking how to file a complaint.
- **NYC Commission on Human Rights.** New York City's Human Rights Law prohibits transgender discrimination in public accommodations under the categories of gender and disability. If the incident took place in New York City, you have **1 year** from the incident to file with the Commission or 3 years to file a lawsuit. To file a complaint, call 311 or (718) 722-3131.

- For facilities owned by New York City, such as HHC hospitals, you can also contact:
  - **NYC Office of the Public Advocate** (212) 669-7250 [Constituent Help Desk](#)
  - **Your City Council Representative** [Council Member finder](#)
- **New York State Division on Human Rights.** New York State's Human Rights Law protects transgender people in public accommodation under the categories of sex and disability. You have **1 year** to [file a complaint](#) with the Division or 3 years to file a lawsuit. 1-888-392-3644
- **New York State Attorney General.** [Accepts civil rights complaints](#) for public and private facilities, and has been proactive on transgender issues.
- **New York State Department of Health - Office of Professional Medical Conduct.** Physicians, physician assistants or specialist assistants. 1-800-663-6114 [File a Complaint](#)
- **New York State Education Department - Office of the Professions.** Dentists, nurses, midwives, mental health professionals, social workers, massage therapists, chiropractors, acupuncturists, pharmacists, etc. Complaint Hotline 1-800-442-8106 [Complaint Form](#)
- **New York State Department of Health.** Hospitals and diagnostic and treatment centers. 1-800-804-5447 [Health Facility Complaint Form](#)
- **Joint Commission.** The Joint Commission is an independent body that accredits hospitals and has a policy of nondiscrimination that includes transgender status. 1-800-994-6610 [Report an event](#)
- **New York State Office of Mental Health's (OMH).** Mental health facilities. 1-800-597-8481 [Office of Quality Management](#)
- **Office of Alcoholism and Substance Abuse Services (OASAS).** Substance abuse treatment. 1-800-553-5790 [Treatment Availability Dashboard](#)
- **Justice Center for the Protection of People with Special Needs.** Has [jurisdiction](#) over abuse—including verbal abuse—in substance use treatment facilities, mental health facilities, Office of Children and Family Services programs, Office for People With Developmental Disabilities programs and adult care facilities. 1-855-373-2122
- **Federal Department of Health and Human Services' Office of Civil Rights.** The Affordable Care Act prohibits transgender discrimination (under the categories of sex and disability) by most medical providers and facilities. You have **180 days** from the incident to [file a complaint](#).
- **Nursing home, board and care home, or assisted living facility.** File a complaint with [HHS OCR](#) or contact your local [long-term care ombudsman](#).
- **HIPAA complaints.** If your trans status or other private health information has been improperly publicized by a medical provider or insurance company, you can [file a complaint](#) with the federal Department of Health and Human Services' Office for Civil Rights. You must file within **180 days** of the violation.

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