



# Trans Health Project

*Working for Transgender Equal Rights*

## Other Medical Discrimination Fact Sheet

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### Know your rights

**Medical providers and facilities cannot discriminate on the basis of transgender status.** Section 1557 of the Affordable Care Act prohibits discrimination based on sex and disability, which includes gender identity, transgender status, or sex stereotypes. This applies to hospitals and health programs and facilities receiving federal funding. It also prohibits the majority of health insurance companies and providers from refusing to cover transgender-related treatments or refusing to treat you consistently with your affirmed gender.

- You have the right to be addressed by your preferred name and pronoun.
- You have the right to be housed according to your affirmed gender.
- You have the right to be treated for gender dysphoria.

### 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

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 ombudsman 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.
- **Physicians, physician assistants or specialist assistants.** You can file a complaint with your state's health department or licensing board. Google "doctor complaint (your state)" to find the complaint form for your state.
- **Dentists, nurses, midwives, mental health professionals, social workers, massage therapists, chiropractors, acupuncturists, pharmacists, etc.** File a complaint with the licensing agency for your state, and for dentists you can also file a complaint with the [American Dental Association](#).
- **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](#)

- **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.
- **State and Local Non-Discrimination Laws.** State and local non-discrimination laws prohibit can health care discrimination against transgender people in many circumstances. You may be able to file a complaint with your state's nondiscrimination enforcement agency. **There are deadlines to file such complaints**, so contact your local agency for more information.

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