



Policy #:	██████████
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Reviewed/ Revised:	
Attachments/ Forms:	
Section:	██

Gender Identity and the Transgender/Gender Non-conforming Patient

Purpose:

To establish guidelines for hospital staff on safe, ethical, and appropriate interaction with transgender and gender non-conforming patients at Boston Medical Center (BMC).

Policy Statement:

BMC respects the personal dignity and rights of each patient and is committed to providing transgender and gender non-conforming patients with professional, considerate, and respectful care. When transgender and gender non-conforming patients present for health care services, they will be addressed and referenced on the basis of their self-identified gender identity, using their preferred pronouns and names, regardless of appearance, surgical history, legal name, or sex recorded at birth. All patients of the hospital may use the restrooms and facilities that matches their gender identity.

Application:

All inpatient and outpatient encounters.

Exceptions:

None

Definitions:

Gender: Gender refers to the behavioral, cultural, or psychological traits that a society associates with male and female sex.

Gender Expression: The external manifestation of one's gender identity, i.e., the way a person acts, dresses, speaks, and behaves in order to show their gender identity (e.g. feminine, masculine, both, or other).

Gender Identity: A person's internal sense of their gender (e.g. of being a man, woman, both, or other).

Gender Non-Conforming: People who do not follow society's culturally normative ideas or stereotypes about how they should look or act based on their sex recorded at birth.

Sex: Sex refers to the classification of individuals as female or male on the basis of their chromosomes, reproductive organs and/or other biological markers.

Transgender and gender incongruent: People whose gender identity is not the same as the sex recorded at their birth. Sex recorded at birth is typically based on external genital anatomy.

Transition: The process of changing elements of gender expression to match or affirm gender identity. Transition most often refers to the period(s) when a person makes social, legal, and/or medical changes to affirm their gender. This may include changing clothing, altering the voice or appearance, and legal name and sex marker changes. It may also include medical interventions, such as hormone use and/or surgeries.

Transgender/transsexual (Male-to-Female, MtF): A subset of transgender individuals who were recorded male sex at birth but who have female gender identity and who may take steps to align appearance with gender identity either socially or medically, including feminizing hormone therapy, electrolysis, and surgeries (e.g. vaginoplasty, breast augmentation).

Transgender/transsexual (Female-to-Male, FtM): A subset of transgender individuals who were recorded female sex at birth but who have male gender identity and who may take steps to align appearance with gender identity either socially or medically, including masculinizing hormone therapy and surgeries (e.g. phalloplasty, chest reconstruction).

Procedures:

1. Determining which pronoun to use for transgender or gender non-conforming patient:

- 1.1. If the patient's gender expression clearly indicates to a reasonable person the gender identity with which the patient wishes to be identified, the hospital staff should refer to the patient using pronouns appropriate to that gender identity.
- 1.2. If the hospital staff determines the patient's pronoun on the basis of the patient's gender expression, but is then corrected by the patient, the hospital staff should use the pronouns verbally expressed by the patient. If the patient expresses a preference for gender non-binary pronouns (i.e. they or zie), then the staff should make a note of and use that pronoun. The patient's stated pronoun should be honored even in situations where the patient's family member(s) suggest an alternate pronoun should be used.
- 1.3. If the patient's gender expression does not clearly indicate the patient's gender identity, the hospital staff should use gender neutral pronouns and discreetly and politely ask the patient for the name and pronoun that the patient uses.
- 1.4. Hospital staff should not ask patients about their transgender or gender non-conforming status, sex recorded at birth, or transition-related interventions unless such information is directly relevant to the patient's care. If it is

necessary to the patient's care for a health care provider to inquire about such information, the provider should explain to the patient:

- 1.4.1. Why the requested information is relevant to the patient's care;
 - 1.4.2. That the information will be kept confidential but some disclosures of the information may be permitted or required; and
 - 1.4.3. That the patient can consult the hospital's HIPAA Privacy Notice for details concerning permitted disclosure of patient information.
2. **Gender Marker Change in Medical Record:** A patient who requests a change of Name or Gender Marker within the medical record must be directed to the Health Information Management (HIM) Department.

- 2.1. The Request for Personal Information Correction/Change form must be completed and provided to the HIM Department which is located in the Yawkey Building Basement along with required identification documentation. [REDACTED]

For Gender Marker changes, requests must be accompanied by two forms of government-issued identification. A physician letter (as described below) is also required if the forms of ID presented do not include an updated passport or social security card.

- 2.1.1. At least one form of identification must have both a photo of the person requesting the change and reflect the correction requested.
- 2.1.2. If the identification presented is a Social Security Card that has been updated and a Passport (which would contain a photo) that has been updated, then the requested gender marker change can be made.
- 2.1.3. If the identification presented is a driver's license that has been updated (i.e. the gender marker being requested is reflected on the current license) AND the second form of identification presented is an updated Social Security Card or Passport, then the requested gender marker change can be made.
- 2.1.4. If the identification presented is a driver's license that has been updated (i.e. the gender marker being requested is reflected on the current license) BUT the second form of identification IS NOT a Social Security Card or Passport, but rather another form of government identification, THEN the patient requesting the change must provide HIM staff with a letter from his/her physician that states the patient "has had appropriate clinical treatment for gender transition" or "is in the process of gender transition." This letter must include:
 - 2.1.4.1. Identification of the physician's specialty (e.g. internist, family physician, pediatrician, endocrinologist, gynecologist, urologist or psychiatrist)
 - 2.1.4.2. The physician's full name

- 2.1.4.3. Physician's medical license or certificate number
- 2.1.4.4. Issuing state (or other jurisdiction) of medical license/certificate
- 2.1.4.5. Drug Enforcement Administration (DEA) registration number (if the physician does not have DEA number, then further clarification or verification of the physicians bona fides must also be submitted)
- 2.1.4.6. Address and phone number of the physician
- 2.1.4.7. Statement that physician has a doctor/patient relationship with the individual
- 2.1.4.8. Language stating that the individual "has had appropriate clinical treatment for transition to male/female (new gender marker)" or "is in the process of transition to male/female"
- 2.1.4.9. Statement: "I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct".

Sample letters are available in the HIM Department.

- 2.2. Any extenuating circumstances related to Gender Marker changes in the Medical Record must be directed to the HIM Director who will assess the circumstances with the Office of General Counsel, as necessary.
- 3. **Access to Restrooms:** All patients of the medical center may use the restroom that matches the gender identity with which they identify, regardless of whether they are making a gender transition or appear to be gender-nonconforming. Transgender and gender-nonconforming patients shall not be asked to show identity documents in order to gain access to the restroom that is consistent with their gender identity.

Harassment of transgender and gender non-conforming patients for using hospital restrooms in accordance with their gender identity will not be tolerated and may result in disciplinary action for the harasser if a harassment claim is substantiated. Transgender and gender-nonconforming patients and visitors who are harassed in this manner should contact the BMC Patient Advocate at [REDACTED] or a departmental manager.
- 4. **Compliance with Privacy Laws and BMC Privacy Policies:** The BMC Workforce, including contractors, who use, disclose, or request patient information, including information regarding a patient's sexual orientation, gender-identity or expression, transgender/gender non-conforming status, or other demographic data, on behalf of BMC, shall make reasonable efforts to limit disclosure of and requests for protected health information to any person not directly involved in the treatment of a particular patient to the minimum necessary to accomplish the authorized purpose of the use, disclosure or request, in accordance with applicable federal laws and regulations, including minimizing incidental disclosures. Procedures appropriate for implementing this policy vary based on the intended purpose of the use, disclosure, or request, as provided within BMC's Privacy Policies.

Information regarding a patient’s transgender or gender non-conforming status, such as diagnosis, medical history, birth-assigned sex, or anatomy constitute protected health information. Such information should not be disclosed to anyone – including family, friends, and other patients – without the patient’s consent. This information should also not be disclosed to medical facility personnel unless there is a medically relevant reason to do so.

- 5. Clinical Care:** In addition to treatments related to a patients new or evolving gender identity, transgender and gender non-conforming patients need appropriate medical screening and treatment specific to their anatomy. It is important to respect patients’ gender identity and use non-gendered language when communicating about treatments that are not concordant with a patient’s gender identity (e.g. when a transgender man is receiving a Pap smear, do not refer to it as a ‘women’s health exam’; similarly, when a transgender women is having a prostate exam, do not refer to it as a ‘male health exam’).

Responsibility:

All medical center staff providing care and services to patients at BMC

Forms:

None

Other Related Policies:

[Redacted text block]

References:

Lambda Legal, Human Rights Campaign, & New York City Bar, “Creating Equal Access to Quality Health Care for Transgender Patients: Transgender -Affirming Hospital Policies”

Fenway Institute, “Affirmative Care for Transgender and Gender Non-Conforming People: Best Practices for Front-Line Health Care Staff”

Department of Veterans Affairs, VHA Directive 2013-003, VHA Washington DC, February 8, 2013, “Providing Health Care for Transgender and Intersex Veterans”