

ADMINISTRATIVE POLICIES & PROCEDURES

TITLE: Creating Equal Access To and Providing Quality Healthcare For Transgender Patients

SCOPE: This policy applies to all Jersey City Medical Center (“JCMC”) employees, contracted staff, volunteers and students.

PURPOSE: To ensure that transgender patients receive professional, respectful and timely care during their encounters at or admission to JCMC.

DEFINITIONS:

Transgender - A term used to describe people whose gender identity, one's inner sense of being male or female, differs from their assigned or presumed sex at birth. Transgender patients may be admitted to hospitals for the same types of care as other patients, or transgender patients may also enter hospitals for transition-related healthcare services.

Transition - To undergo a process by which a person changes their physical sex characteristics and/or gender expression to match their inner sense of being male or female. This process may include a name change, a change in preferred pronouns, and a change in social gender expression through things such as hair, clothing, and restroom use. It may or may not include hormones and surgery.

Gender Non-Conforming - A person who does not conform to society's expectations of gender roles.

Gender Expression - The way a person expresses gender through dress, grooming, habits, mannerisms, social interactions and other characteristics.

Gender Identity - An individual's internal sense of gender, which may or may not be the same as one's gender assigned at birth.

Name in use - The name by which a person wants to and should be addressed, although it may differ from the name appearing on the person's legal identity documents or the name assigned to the person at birth.

Trans Man - An identity label sometimes adopted by female-to-male transgender patients to signify that they are men while still affirming their gender history.

Trans Woman - An identity label sometimes adopted by male-to-female transgender patients to signify that they are women while still affirming their gender history.

POLICY STATEMENT: It is the policy of JCMC that all staff are expected to treat transgender patients with courtesy, consideration and professionalism at all times. This policy and related procedures comprise JCMC's overall transgender affirming policies and practices.

JCMC does not discriminate against any person on the basis of gender identity or gender expression. Healthcare providers may not provide inferior care, refuse to provide care or treat a patient differently because of that patient's gender identity or gender expression.

RELATED POLICIES: Patient Bill of Rights, Patient Non-Discrimination Policy, HIPAA Policies

PROTOCOLS FOR INTERACTION WITH TRANSGENDER PATIENTS

Policy: When transgender patients present for health care, they will be addressed and referred to on the basis of their self-identified gender, using their pronouns and name in use, regardless of the patient's appearance, surgical history, legal name, or sex assigned at birth. If the patient's family members suggest that the patient is of a gender different from that with which the patient self-identifies, the patient's view should be honored.

Hospital staff members will not use language or tone that a reasonable person would consider to demean, question, or invalidate a patient's actual or perceived gender identity or expression.

Hospital staff members will not ask questions or make statements about a transgender person's genitalia, breasts, other physical characteristics, or surgical status except for professional reasons that can be clearly articulated. Information about a patient's transgender status or any transition-related services that the patient is seeking and/or has obtained is sensitive medical information and hospital staff members will treat it as such.

Procedure: A transgender patient's pronouns should be determined as follows:

- 1) If the patient's gender presentation clearly indicates to a reasonable person the gender with which the patient wishes to be identified, the hospital staff member should refer to the patient using pronouns appropriate to that gender.
- 2) If the hospital staff member determines the patient's pronouns on the basis of the patient's gender presentation, but is then corrected by the patient, the staff member should then use the pronouns associated with the gender identity verbally expressed by the patient.
- 3) If the patient's gender presentation does not clearly indicate the patient's gender identity, the hospital staff member should discreetly and politely ask the patient for the pronouns the patient uses.

A patient should not be asked about transgender status, sex assigned at birth, or transition-related procedures 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) Why the requested information is relevant to the patient's care,
- 2) That the information will be kept confidential but some disclosures of the information may be permitted or required, and
- 3) That the patient should consult with the JCMC Privacy Officer regarding HIPAA policies concerning permitted disclosures of patient information.

ROOM ASSIGNMENTS

Policy: To establish guidelines for the safe, ethical and appropriate assignment of rooms for transgender patients. Accordingly, where room assignments are gender-based, transgender patients will be assigned to rooms based on their self-identified gender, regardless of whether this self-identified gender accords with their physical appearance, surgical history, genitalia, legal sex, sex assigned at birth, or name and sex as it appears in hospital records. That a transgender patient's physical appearance or genitalia differ from other patients who share the same self-identified gender is not a bar to assigning the patient to a room in accordance with his or her gender identity. Sufficient privacy can be ensured by, for example, the use of curtains or accommodation in a single side-room adjacent to a gender-appropriate ward.

Procedure: Where patients are assigned to rooms based on gender, JCMC's Patient Access Department shall assign a transgender patient to a room in accordance with the patient's self-identified gender, unless the patient requests otherwise. Transgender patients shall be assigned to in-patient rooms in the following order of priority:

- 1) If a transgender patient requests to be assigned to a room with a roommate of the patient's same gender identity and such a room is available, the request should be honored.
- 2) If a transgender patient requests a private room and there is one available, it should be made available to the patient.
- 3) If a transgender patient does not indicate a rooming preference and a private room is available, the private room should be offered to the transgender patient. The offer should be explained to the patient as optional and for the purpose of ensuring the patient's privacy, safety and comfort.
- 4) If a private room is not available and the transgender patient does not wish to share a room with a roommate, the transgender patient should be assigned to an empty double room with the second bed blocked.
- 5) If there is no private room or empty double room available, the patient should be assigned to a room with a patient of the gender with which the transgender patient identifies.
- 6) If there is no private or empty double room available and a transgender patient does not wish to share a room, other patients may be moved to make a private room available if doing so would not compromise the health or safety of the patient(s) being moved.
- 7) If there is no private or empty double room available, the transgender patient refuses to share a room and no other patient can safely be moved to make a private room available, the transgender patient should be allowed to remain in the Emergency Department or Admitting Office without harassment until a private room becomes available.

The JCMC Patient Access Department shall determine a patient's self-identified gender prior to assigning the patient a room by reviewing the patient's admitting/registration record. If the patient's family members suggest that the patient is of a gender different from that with which the patient self-identifies, the patient's view should be honored. If upon admission it is impossible for the patient to inform the staff of his or her self-identified gender because he or she

is unconscious or incapacitated, then, in the first instance, inferences should be drawn from the patient's presentation and mode of dress. No investigation of the genitals of the person should be undertaken unless specifically necessary to carry out treatment.

No patient will be denied admission if a gender-appropriate bed is not available. Furthermore, complaints from another patient related to a roommate's gender identity or expression do not constitute grounds for an exception to this room assignment policy, as would be the case for other patients protected by nondiscrimination policy, standards and/or law. Should hospital staff receive such complaints, they should remedy the situation by using curtains or other room dividers to increase the privacy of both patients. A patient making ongoing complaints should be moved to another room as long as relocating the patient would be medically appropriate and safe.

Should a transgender patient complain that the patient's roommate is subjecting him or her to harassment based on the patient's gender identity or expression, the Patient Representative, in conjunction with the Nursing Director or PCC should remedy the situation by relocating the patient's roommate to prevent continued harassment, as long as relocating the roommate would be medically appropriate and safe. If the roommate cannot be relocated, the transgender patient should be moved. The transgender patient's health is not to be compromised by an unsafe room assignment.

Where there are questions or concerns related to room assignments, The JCMC Patient Representative is to be consulted and an ethics consultation may be requested.

ACCESS TO RESTROOMS

Policy: To ensure that transgender patients have safe and equal access to restrooms in accordance with their gender identity, all patients of the hospital may use the restroom that matches their gender identity, 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-nonconforming patients for using hospital restrooms in accordance with their gender identity will not be tolerated. Transgender and gender-nonconforming patients who are harassed in this manner may contact the Patient Representative.

ACCESS TO PERSONAL ITEMS THAT ASSIST GENDER PRESENTATION

Policy: To ensure that transgender and gender-nonconforming patients have access to personal items that facilitate gender expression to the same extent that other patients have access to these items, regardless of gender, transgender and gender-nonconforming patients may have access to personal items that facilitate gender expression (e.g. clothing, makeup) to the same extent that other patients have access to these items, regardless of gender. In addition, transgender and gender-nonconforming patients may also have access to other personal items that assist in their gender presentation, such as those used in binding, padding and tucking.

Harassment of transgender and gender-nonconforming patients for using these items to assist in their gender presentation in accordance with their gender identity will not be tolerated. Transgender and gender-nonconforming patients who are harassed in this manner may contact the Patient Representative.

DOCUMENTATION: As outlined in policy.

SAFETY: Intent of policy for patient safety.

REFERENCES:

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DEVELOPED BY: [REDACTED]

COMMITTEE APPROVALS: September, 2016