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SECTION 1557: TRANSGENDER & GENDER NON-CONFORMING COMMUNITIES

WHAT IS SECTION 1557?

Section 1557 is part of the Affordable Care Act (ACA) that prohibits discrimination in healthcare on the basis of a number of protected characteristics including sex. The new regulations codify existing informal guidance from HHS interpreting this provision to include protections from discrimination on the basis of gender identity and sex stereotyping.

WHY DOES SECTION 1557 OF THE ACA MATTER TO TRANSGENDER & GENDER NON-CONFORMING PEOPLE?

70%

OF TRANSGENDER & GENDER NON-CONFORMING PEOPLE REPORTED EXPERIENCING DISCRIMINATION BY HEALTHCARE PROVIDERS BECAUSE OF THEIR GENDER.

27%

OF TRANSGENDER RESPONDENTS REPORTED THAT THEY HAVE BEEN DENIED NECESSARY HEALTHCARE BECAUSE OF THEIR GENDER IDENTITY.

- Persistent and systematic discrimination in accessing healthcare has resulted in increasingly stark disparities for lesbian, gay, bisexual and transgender (LGBT) people—most notably those in the transgender community.
- Medical professionals' awareness of their patient's transgender status increased experiences of discrimination, which have led many transgender and gender non-conforming individuals to postpone preventative care, leaving them at higher risks for avoidable illnesses. (http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf)
- Section 1557 regulations explicitly prohibit discrimination based on gender identity—making it clear that most insurers cannot deny or limit coverage because a treatment is related to an individual's gender transition.



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HOW DOES SECTION 1557 OF THE ACA HELP PREVENT DISCRIMINATION AGAINST TRANSGENDER & GENDER NON-CONFORMING PEOPLE?

- HHS's definitions of gender identity and sex stereotypes recognize that protections against sex discrimination should extend to people of all gender identities—including transgender individuals and people of non-binary genders.
- Section 1557 prohibits most insurers from discriminating on the basis of sex—including gender identity—when providing health coverage. Discrimination on the basis of gender identity includes:
 - Blanket exclusions on any transition-related healthcare services;
 - The denial or limitation of coverage for services used for gender transition when those services would normally be covered when treating a non-transition related health condition; and
 - The refusal to cover treatment that is typically associated with one particular gender, because an individual identifies with another gender or is listed as having another gender in their medical records or on a personal form of identification.
- Section 1557 requires that providers treat individuals in a manner consistent with their gender identity, including in access to health care facilities. Wherever people are separated or labeled by gender, people are to be treated according to their self-identified gender.
- Section 1557 applies to all health programs and activities, any part of which receives any Federal financial assistance—including but not limited to physicians, hospitals, community clinics and nursing facilities.

If you feel as though you have experienced discrimination in a healthcare setting based on your gender identity or gender-nonconforming status please visit <http://www.hhs.gov/civil-rights/filing-a-complaint/index.html> to file a civil rights complaint.

For more work that HRC is doing in the healthcare arena please visit www.hrc.org/explore/topic/health-and-aging.