Creating Equal Access To and Providing Quality Health Care For Transgender Patients

Scope
This policy applies to all Hospital employees, contracted staff, volunteers and students.

Purpose
To ensure that transgender patients receive professional, respectful and timely care during their admission to Hospital.

Introduction
In recent years, hospitals throughout the United States have recognized that some groups of people face significant barriers to health care because of historic bias and discrimination against them.

Transgender people have become widely recognized as one such group that faces significant barriers to equal, consistent, and high-quality health care. The consequences for this group are that they may disengage from seeking healthcare or delay seeking health care.

Even when transgender people do receive medical treatment, their interactions with hospital staff – including physicians, nurses, allied health professionals, admitting and registration personnel, and security officers – often result in negative experiences.

Examples of inappropriate staff behavior cited by transgender patients include:

- Health care providers refusing to touch them or using excessive precautions;
- Health care providers using harsh or abusive language;
- Health care providers being physically rough or abusive;
- Health care providers blaming them for their health status;
- Laughter, pointing, joking, taunting, mockery, slurs;
- Violations of confidentiality;
- Use of improper name and/or pronoun for patient;
- Exceptionally long waits for care;
- Inappropriate questions and/or exams, including needless viewing of genitals;
- Prohibitions of bathroom use, or challenges to it;
• Inappropriate room assignments;
• Failure to follow standards of care.

Definitions

"Transgender" is an umbrella 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 health care services.

To "transition" means 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: refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns, social roles and social interactions.

Gender identity: an individual's internal sense of gender, which may or may not be the same as one's gender assigned at birth.

Policy and Procedure

It is the policy of [redacted] Hospital that all employees are expected to treat transgender patients with courtesy, consideration and professionalism at all times.

The following global policy categories, statements and associated procedures form the framework for our overall transgender-affirming policy and practices.

NON DISCRIMINATION

A. [redacted] does not discriminate against any person on the basis of gender identity or gender expression.

B. Health care 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.

C. Refer to "Patient Non-Discrimination" Policy for more information.

PATIENT'S RIGHTS

A. The patient has the right to competent, considerate, and respectful care in a safe setting that fosters the patient's comfort and dignity and is free from all forms of abuse and harassment, including abuse or harassment based on gender identity or gender expression.

B. The patient has the right to privacy and confidentiality during medical treatment or other rendering of care within the Hospital.

C. Students and other persons not directly involved in the care or treatment of a transgender or gender-nonconforming patient should not be present during the patient's case discussion, consultation, examination, or treatment except for legitimate training purposes. Before observing or participating in a transgender or gender-nonconforming patient's case discussion, consultation, examination, or treatment for training purposes, trainees should be counseled on the Hospital's policy for Providing Care for...
Transgender Patients. In all cases, discussion, consultation, examination, and treatment must be conducted discreetly.

D. Transgender and gender-nonconforming patients have the right to refuse to be examined, observed, or treated by students or any other facility staff when the primary purpose is educational or informational rather than therapeutic, without jeopardizing the patient's access to medical care.

RECORDING GENDER IN ELECTRONIC ADMITTING/REGISTRATION RECORDS

A. In the existing "Gender" field in admitting/registration records, the registrar will record the patient's gender as the gender designation (Male or Female) that appears on the patient's medical insurance record, legal identification, or other source customarily used in admitting/registration.

INTERACTING WITH TRANSGENDER PATIENTS

A. When a transgender patient presents for health care, they will be addressed and referred to on the basis of their self-identified gender, using their preferred pronoun and name, 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.

B. 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.

C. 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.

D. 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.

E. A transgender patient's preferred pronoun 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 preferred pronoun 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 patient's preferred pronoun and name.

4. 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 the hospital's HIPAA policy for details concerning permitted disclosures of patient information.

ROOM ASSIGNMENTS
A. 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.

ACCESS TO RESTROOMS

A. 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.

B. 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 any department manager.

COMPLIANCE WITH PRIVACY LAWS

A. Any discussion or documentation of transgender status and transition-related services, any medical history related to transition, and similar information may involve protected health information, and as such would be subject to the hospital's administrative, technical, and physical safeguards.

For example, if a patient indicates in an admitting/registration record or in a subsequent conversation with admitting/registration personnel that he or she is transgender, reasonable and appropriate safeguards (such as keeping the records in a folder where they are not easily accessible, or taking care to hold conversations about the patient's status in private) should be in place to ensure that no protected health information is intentionally or unintentionally disclosed or overheard by physicians, employees, independent contractors, patients, or hospital visitors.

INSURANCE GUIDELINES

A. Sometimes obstacles arise from coding systems that provide specific procedures for patients of one sex but not another. To decrease incidence of these issues, which sometimes result in denials of claims or decreased access to care for transgender patients, staff can adopt standard work related to admitting and registering transgender patients, and ensuring that the name/gender provided to the insurer matches the name/gender on claims submitted on the patient's behalf or bills provided to the patient for reimbursement.

B. Hospital billing staff receives training in addressing and reducing claims rejected because of gender marker mismatches.

References

All revision dates: 10/8/2015

Attachments: No Attachments