THE CHANGING LEGAL LANDSCAPE FOR SERVING LGBT OLDER ADULTS

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HISTORICAL CONTEXT

Have you ever been alone in a crowded room?
42% fear outliving income
40% not out to healthcare providers regarding sexual orientation
40% state support networks are becoming smaller
34% live alone
32% fear being lonely and alone as they age
25% of transgender older adults report housing discrimination

http://sageusa.org/resources/publications.cfm?ID=222
Federal, State & Local Policy Change signal a brighter future for the health and economic security of LGBT older adults.
LGBT POLICY TALLIES BY STATE
WHEN THE SUPREME COURT GRANTS NATIONWIDE RIGHT TO MARRIAGE FOR SAME-SEX COUPLES
PATIENT VISITATION RIGHTS

- Hospital Visitation Rights – Hospitals receiving Medicare/Medicaid funds must allow patients to designate their visitors and cannot deny visitation based on sexual orientation/gender identity. (Presidential Memorandum, 2010)

- In 2014 CMS rules that these rights extend to Nursing Homes and Hospice.

Long-Term Care Resident Rights and LGBT Older Adults

- Right to be free from Abuse & Neglect
- Right to Privacy
- Right to Receive Visitors
- Right to Participate in Activities
- Right to be treated with Respect
- Right to Participate in YOUR Care
- Right to be Fully Informed
- Right to Choice
- Right to Remain in the Home

It is the policy of the Department of Health and Human Services that no person otherwise eligible will be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of HHS programs and services based on non-merit factors such as race, color, national origin, religion, sex, gender identity, sexual orientation, or disability (physical or mental).

http://portal.hud.gov
The rule makes clear that sex discrimination prohibited under Section 1557 includes discrimination based on:

- An individual’s sex
- Pregnancy, childbirth and related medical conditions
- Gender identity
- Sex stereotyping

MEDICARE LIFTS BAN ON EXCLUSION OF TRANSGENDER RELATED CARE

The lifting of the coverage exclusion means that transgender Medicare beneficiaries will now be able to seek individualized review of the medical necessity of the specific procedure they need, just like anyone seeking coverage for any other medical treatment.

HUD Equal Access Rule

- Passed on March 5\textsuperscript{th}, 2012
- Prohibits discrimination in HUD funded housing and programs on the basis of sexual orientation and gender identity (HUD Section 202 & 232 properties)

- February 20\textsuperscript{th}, 2015: HUD expands on Equal Access Rule to increase protections for transgender applicants for Shelter Housing requiring housing provided based on the gender identity of the applicant

SUPREME COURT RULING & MARRIAGE EQUALITY

- With the Supreme Court’s historic 2015 Federal Marriage Benefits are now available to married same-sex couples in all 50 states.
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