**Policy Brief on Gender Affirming Care**

**Overview**

Across the nation, politicians have unleashed unprecedented attacks on LGBTQIA+ persons, especially transgender and gender expansive persons. Even more unprecedented is the fact that most of the legislation focuses on youth. From bathroom bans to participation in sports and most recently not even being able to discuss LGBTQIA+ issues in classrooms. Anti-trans sentiment has been on the rise. These forms of legislation put an already vulnerable population at risk for extensive harassment, abuse and discrimination.

Trans and nonbinary people are subject to stigma, violence and discrimination at disproportionate rates than their cisgendered peers.[[1]](#footnote-0) Terms like “gender expansive” or “gender nonconforming” are used interchangerbly throughout this brief and refer to individuals whose gender expression or identity may not conform with cultural norms related to their sex as assigned at birth. With increased visibility there must also be increased awareness about the issues that impact minority communities. One of the first steps when it comes to addressing advocacy for transgender, gender non-conforming persons is ensuring that they have access to gender-affirming care.

Gender-affirming care is a form of care that is rooted in support. For transgender and gender expansive persons, particularly youth, it is important to have access to gender affirming care, affirming care is a fundamental part of allowing a person to establish and nurture a healthy gender identity. Gender affirming care is defined as care that is judgment-free and individualized for the person in care. In that setting a person is free to define and express their gender in a way that is authentic to them, free from any associated stigma or shame. The purpose of gender-affirming care is to ease the discomfort or distress that is caused by the discrepancy between a person’s gender identity and the person’s gender assigned at birth. Gender-affirming care for youth and adults may look different but foundationally it includes a social transition before other types of transition. This may include changing outward presentation, use of pronouns and a name change. There are also medical transitions that involve puberty suppression, gender-affirming hormone treatments, mental health treatment and more depending on the trans/gender non-conforming person’s choice.

Comprehensive sex education allows for youth to feel more affirmed in their gender identity. Comprehensive sex ed allows youth to learn about the spectrum of gender identity and expression without presenting an all or nothing approach. It promotes gender exploration rather than presenting youth with a binary view. This allows youth to address gender-related topics without discomfort or judgment. Conservative states are taking it upon themselves to limit and restrict the liberties of trans/gender expansive youth. Leading healthcare providing organizations say that gender affirming care is the best way to provide care to gender expansive youth.

**Access to Care**

Access to healthcare is imperative to achieve health equity within marginalized communities.[[2]](#footnote-1) There are many structural barriers that prevent many from accessing gender affirming care.[[3]](#footnote-2) Most of the legislation around gender affirming care attacks surgical procedures that medical experts say are rarely performed on children.[[4]](#footnote-3) Attorney General Ken Paxton has delivered a legal opinion that would classify the administration of puberty blockers, which are reversible, as child abuse, despite it being a widely accepted form of gender affirming care.[[5]](#footnote-4) By putting out misinformation and attaching harmful labels to affirming healthcare they are allowing it to be weaponized and polluting what gender affirming care is meant to be.

Transgender and gender expansive persons experience significant health inequities compared to their cisgender counterparts, a lot of this is related to their access of care. Due to pervasive stigma, a cocktail of -isms and ignorance related to gender identity, transgender and gender expansive persons are denied the opportunity to establish a healthy gender identity. Many are denied care because of where they live, in rural, conservative communities, or because of lack of availability to qualified providers and disparities in health care coverage. These barriers stand in the way of many people being able to obtain procedures, interventions and care that they need.

Insurance coverage is already a barrier to accessing care that people are already fighting, when it comes to transgender and gender expansive persons this need is only heightened. Trans people also experience higher rates of unemployment, at a rate of three times higher than the national average.[[6]](#footnote-5) Many are uninsured or underinsured, in most cases those that are covered by insurance, face a barrier because many insurance companies won’t cover the services that they need to have gender-affirming care, such as hormone therapy, mental health counseling and potential reconstructive surgeries. This results in higher costs of care, and also poor health outcomes for those who cannot access gender-affirming care. The Affordable Care Act protects health insurance for transgender persons but these laws are constantly under attack.

The ACLU filed suit on behalf of two trans Black women who were denied gender-affirming care while on Medicaid.[[7]](#footnote-6) Both women struggled with access to health insurance and had difficulty locating doctors with experience with transgender people.[[8]](#footnote-7) Georgia Medicaid guidelines characterize gender-affirming care needs as cosmetic or experimental.[[9]](#footnote-8) Many health plans deny coverage for people seeking gender-affirming care.[[10]](#footnote-9) Insurers in some cases view gender affirming care as medically unnecessary or make the care too expensive to access.[[11]](#footnote-10) One example of this is the surgical procedure called a hysterectomy, which would be covered for a cisgender female patient but a transman seeking the same procedure would not be able to have this procedure covered.

Healthcare bans have been introduced in states that serve to prohibit healthcare providers from providing or referring transgender youth for medically necessary health care. Georgia is one of 10 states that prohibits transgender adults from receiving gender-affirming care under Medicaid.[[12]](#footnote-11) Refusing to cover essential gender-affirming care is discrimination. Studies show that discrimination and lack of physician knowledge contribute to health disparities and barriers in gender non-conforming persons obtaining care. Research also shows that gender-affirming care improves the mental health and overall well-being of gender expansive persons. Data from the Trevor Project shows that 85% of transgender or nonbinary youth report that the current landscape of state laws has negatively impacted their mental health.[[13]](#footnote-12)

Even when trans or gender nonconforming persons have insurance they experience discrimination from health care providers which is another barrier to care. This prohibits many people from gaining access to care that is safe and affirming. An alternative to in-person care is telemedicine, especially since many people have to travel to receive care. The burden of accessing in-person care is heightened if they have children, if they don’t have reliable transportation or can’t afford to travel consistently for care or if they do not feel safe in-person with the provider. Telemedicine serves as a way for individuals to receive care while feeling safe and not having to go through the anxiety that often happens while trying to obtain care and serves to provide care to those located where there are geographical barriers to care. Youth who may not have parental support in seeking gender-affirming care would be able to be connected to providers and still have access to care.

Many LGBTQ+ people share that they have experienced homophobia or transphobia while trying to obtain care. By adopting gender affirming care as the norm, there will be improvements to the health outcomes of LGBTQ+ people. Gender affirming care means that one does not have to compromise their identity to receive the care they need. Gender affirming care allows those in care to be honest about their sexual encounters and any related issues. Gender affirming care is about making those seeking care feel safe and affirmed. Stigma and shame prevent many from obtaining care and can lead to poor health outcomes. Gender affirming care is a collective effort between families and extended communities. Rather than focusing on solely medical transitions, gender affirming care also includes the social transitions that a person makes. Changing their name, dressing how they want to dress, or using different pronouns are all types of social transitions. Affirming transgender and nonbinary persons by respecting pronouns is associated with lower rates of attemting suicide.[[14]](#footnote-13)

Legislation that targets transgender persons serves to dehumanize them and deny them rights to health care and rights to establish themselves and their identities. Legislation also serves to legitimize violence against trans-identified persons and furthers stigmatization. Trans people suffer higher rates of violence, especially Black trans women. Trans youth also suffer higher rates of mental health issues, from higher rates of anxiety to even higher rates of suicidal ideation. More than one-third of transgender high school students attempt suicide in any given year.[[15]](#footnote-14) These rates would tend to establish a need for children to have access to care that aligns with their gender identity. Due to the legal yellow tape around access to care, many are looking to move out of state, but many will not be able to afford to relocate their lives and shouldn’t have to flee a state in order to obtain care.

**Gender Expansive and Transgender Persons in the Criminal Justice System**

There needs to be uniformity in the laws as it pertains to access to gender affirming care and housing within the carceral system. In the United States there is a level of dehumanization that occurs with being the minority, this dehumanization only increases when that person is incarcerated. Transgender and gender non-conforming persons deserve the human right to live free from violence. While overall representation of transgender and gender nonconforming persons may be considered low, they are grossly overrepresented in our correctional system with almost 1 in 6 trans identified persons being incarcerated.[[16]](#footnote-15) Those numbers are even higher for Black transgender persons, with 50% having been incarcerated.[[17]](#footnote-16) In these institutions, Transgender or gender expansive persons are housed in facilities that do not align with their gender identity and are without access to gender-affirming care.[[18]](#footnote-17) Transgender or gender non-conforming persons face high rates of sexual violence from other inmates and from prison officials.[[19]](#footnote-18) There are no uniform policies in place that provide protections for transgender and gender-expansive individuals.

The need for gender-affirming care is prevalent in our criminal justice system. Despite recommendations from the medical community that transgender or gender non-conforming persons be housed with people that align with their gender identity, many facilities do not adhere to these guidelines.[[20]](#footnote-19) Placement is done based upon assigned sex at birth.[[21]](#footnote-20) There are many reports of people being housed with people that do not align with their gender identity after living more than half their lives as the gender they identify as. A prison abolition organization Black and Pink conducted a study that found that nearly 80% of all trans or gender nonconforming persons experienced emotion suffering because they had to hide their gender while they were incarcerated.[[22]](#footnote-21) The same study revealed that 44% of people reported being denied their hormones once in custody.[[23]](#footnote-22)

 The issue of whether a transgender person is entitled to hormone therapy has been litigated extensively. According to best practices that were established by the World Professional Association for Transgender Health, people who enter an institution on an established regimen of hormone therapy should be continued on the same, or similar, therapies.[[24]](#footnote-23) Most of these issues arise as a result of being misgendered by the legal system.[[25]](#footnote-24)

**Conclusion**

There is a level of othering that takes place when someone deviates from the heteronormative, binary-rigid standards of the United States. Trans and gender expansive persons are being murdered, their deaths not being called “hate crimes” and even in death many are denied the right to be gender affirmed. By normalizing and increasing access to gender affirming care, we can reduce harm related to gender violence, and detrimental societal effects on transgender and gender expansive persons related to social stigma. Having access to gender-affirming environments and care can significantly reduce health disparities and improve health outcomes.

A person’s gender identity may not match what is listed on their identification, what clothes they’re wearing or even what their body may suggest, this is why it is important to ask a person their name and pronouns. Everyone deserves to be respected and affirmed in who they are. Every person deserves to have a trusted team of support especially healthcare providers that understands their care concerns. By adopting gender-affirming care in all spaces we can prevent social isolation of transgender and gender non-conforming persons, and lower rates of depression and suicidal ideation.

Protecting of transgender and gender expansive persons’ rights means granting access to care that allows them to live full lives free from any legal ramifications or restrictions based on their gender identity. Politicians are effectively harming a vulnerable population and we must combat that at every turn.

As a reproductive justice organization, SisterLove recognizes that everyone is entitled to affirming healthcare, this includes transpersons and people who identify as non-binary or gender non-conforming. We demand an immediate end to the war on Black trans, queer, and gender expansive people. We need to ensure safe, equitable access to gender and culturally affirming care. We must call out all systems of oppression, white supremacy, capitalism, ableism, homophobia, transphobia and cisheteropatriarchy.

For LGBTQ+ mental health support, call the Trevor Project’s 24/7 support line at 866-488-7386.

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