



# Creating Inclusiveness for Transgender Patients

As a healthcare professional, you're committed to delivering optimal care to all patients as part of your legal and ethical responsibilities. Fulfilling that commitment requires you to understand the unique needs of various patient populations, including those who are transgender. Failure to deliver proper care to transgender patients not only puts you in opposition to nursing ethical principles, but can leave you liable for legal action. Fortunately, being attuned to the needs of transgender patients helps you ensure their health requirements are met and reduces the risk of legal liability.

## Challenges in care

When transgender people seek treatment, they too often encounter mistreatment. The 2015 U.S. Transgender Survey noted that in the year before the survey, 33% of those who saw a healthcare provider had at least one negative experience related to being transgender, such as being verbally harassed or refused treatment. Transgender men, people of color, and those with disabilities reported even higher rates of negative experiences.

## Legal and regulatory requirements

Healthcare providers aren't just bound by ethical standards when caring for transgender patients; they, along with the organizations they work for, must also adhere to related laws and regulations. For instance, the Affordable Care Act of 2010 banned sex discrimination in healthcare settings that receive federal funds. The U.S. Department of Health & Human Services Office for Civil Rights has noted that this means discrimination based on gender identity in the healthcare setting is banned.

The Joint Commission requires organizations to have policies in place that prohibit discrimination based on gender identity. In addition, it has standards and elements of performance that relate to effective communication, cultural competence, and patient- and family centered care for all patients, including those who are transgender.

States have also weighed in. In all, 18 states, plus the District of Columbia, have laws prohibiting discrimination on the basis of gender identity or expression. Gender discrimination can be deliberate or inadvertent, caused by a lack of knowledge. However, "I didn't know" is not an excuse that will hold up in court if you are sued by a patient who believes you discriminated based on gender identity. Discrimination may not be as obvious as outright refusing to care for a patient. For example, making it unusually difficult to schedule an appointment can lead to delayed care and patient injury. Or insisting on a pelvic exam for a patient who is transitioning and is reluctant to be examined could result in a charge of battery.

Protect yourself from legal action—and do right by your transgender patients—by taking several steps.

- Know your organization's policy
- Be culturally competent
- Follow standards of care
- Two resources are:
  - Guidelines for the Primary and Gender-Affirming Care of Transgender and Gender Nonbinary People, 2nd ed. This comprehensive reference includes chapters on physical examination and treatment considerations for when conditions such as cardiovascular disease, diabetes and cancer are present. Download for free at [www.transhealth.ucsf.edu/trans?page=guidelines-home](http://www.transhealth.ucsf.edu/trans?page=guidelines-home).
  - The World Professional Association for Transgender Health Standards of Care for the Health of Transsexual, Transgender and Gender Nonconforming People. Download a free PDF at [www.wpath.org/site\\_page.cfm?pk\\_association\\_webpage\\_menu=1351&pk\\_association\\_webpage=3926](http://www.wpath.org/site_page.cfm?pk_association_webpage_menu=1351&pk_association_webpage=3926).
- Protect privacy
- Treat the patient with respect
- Address problems promptly

## Caring for all

Discriminating against transgender patients is against the law, but too often it can happen in healthcare, either intentionally or through lack of knowledge. Ensure transgender patients receive the care they deserve by being knowledgeable about their healthcare needs, treating them with respect, and advocating that others treat them with respect as well. Doing so improves care, helps avoid legal action, and promotes ethical behavior.

