



FOR IMMEDIATE RELEASE

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Amida Care Condemns Discriminatory HHS Rule That Erases Health Care Protections for People of Transgender Experience, Applauds Supreme Court for Protecting LGBTQ Americans in the Workplace

(New York, NY - June 16, 2020) On Friday, the Department of Health and Human Services (HHS) under Section 1557 of the Affordable Care Act (ACA) finalized a regulation that would remove nondiscrimination protections for people of transgender experience in health care settings. On Monday, the Supreme Court served a direct rebuke to this discriminatory move with the ruling that Title VII of the Civil Rights Act of 1964, which makes it illegal for employers to discriminate because of a person's sex, also covers sexual orientation and transgender status. Doug Wirth, President and CEO of Amida Care, released the following statement in response:

"In America, there should be no place for attacks on specific populations or on the health care access that is a basic human right, not a privilege. Amida Care is appalled by the HHS' hateful, discriminatory move—made on the anniversary of the Pulse nightclub massacre and in the middle of LGBTQ Pride Month—that further marginalizes an already-vulnerable community. At a time when we are in the midst of the COVID-19 pandemic and so many throughout the nation are working to End the HIV Epidemic, the kind of backwards thinking underpinning this regulation sets us up for failure.

There is no excuse for health care professionals to refuse medically necessary care to people. Individuals of transgender experience are already prime targets of bias, violence, and systemic discrimination in nearly every facet of their lives. With the new HHS regulation, transgender people will have even steeper barriers to care, and our health care system as a whole will be less accountable to the people it is supposed to serve.

Conversely, yesterday's landmark Supreme Court ruling is a tremendous victory for fairness, equality and justice. This historic decision will allow LGBTQ Americans, many of whom live in states that offer no such workplace protections against discrimination, to live without fear that they can lose their job just for being who they are. [A recent US Transgender Survey](#) found that transgender people were three times more likely to be unemployed (trans people of color were four times more likely to be unemployed), and 30 percent of those with jobs experienced discrimination in the workplace, including being fired or denied promotion due to being transgender. Recent research from the [Williams Institute at University of California Los Angeles](#) and the [Human Rights Campaign](#) found that LGBTQ people are facing higher rates of unemployment than non-LGBTQ populations due to the current economic crisis.

The Supreme Court ruling comes at a time when the Trump Administration continues to take actions, like the HHS regulation, that will deny access to care for people in communities that are heavily affected by HIV, in direct opposition to the administration's stated goal of Ending the Epidemic by 2030. Transgender people already face significant discrimination in health care, as Amida Care detailed in a recent [report](#). Among transgender Americans living with HIV, 19% reported being refused treatment due to their gender identity, and 28% report they have been harassed in a doctor's office. Access to treatment allows individuals with HIV to become

virally suppressed so they can live longer, healthier lives and are unable to transmit the virus to others. It also saves taxpayer dollars. For every 2,000 new infections we prevent, we save close to \$1 billion in future medical costs.

Fortunately, New York State law continues to uphold the Affordable Care Act's nondiscrimination protections, as Governor Andrew Cuomo reinforced in a [statement](#). Amida Care has more than 500 transgender members who are HIV negative, and as many as 25% are accessing pre-exposure prophylaxis (PrEP), a powerful HIV prevention tool. We have also had tremendous success helping our members of transgender experience who are living with HIV become virally suppressed or undetectable. Of our 1,200 transgender members, more than 60% are living with HIV, and 80% of them are undetectable.

While we are grateful that the Supreme Court has ruled to protect LGBTQ Americans from hateful discrimination at work, discriminatory attacks on health care access will keep America sick. Amida Care will continue to fight for better access to culturally-competent, quality gender-affirming health care."

About Amida Care

Amida Care Inc. is a not-for-profit health plan that specializes in providing comprehensive health coverage and coordinated care to New Yorkers with complex conditions, including HIV and behavioral health disorders, and people who are of transgender experience or who are homeless (regardless of HIV status). Amida Care has a wide network of health care providers throughout New York City and is the largest Medicaid Special Needs Health Plan (SNP) in New York State. For more information, visit www.amidacareny.org.