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The Honorable Shane E. Pendergrass  
House Health and Government Operations Committee  
House Office Building, Room 241  
6 Bladen Street  
Annapolis, MD 21401

### Testimony of FreeState Justice

#### IN SUPPORT OF

#### HB0255: Health Care Facilities – Hospitals and Related Institutions – Discrimination Protections

To the Honorable Chair Shane E. Pendergrass, Vice Chair Joseline A. Pena-Melnyk, and esteemed members of the Health and Government Operations Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to dozens, if not hundreds, of LGBTQ Marylanders who could not otherwise be able to afford an attorney. Many of our cases involve discrimination in healthcare institutions, and 36.1% of LGBTQ Marylanders identified healthcare as a critical issue in our 2016 Needs Assessment.<sup>1</sup>

Discrimination against LGBTQ people can take many forms in a healthcare setting: doctors may refuse to provide care for LGBTQ patients because of their sexual orientation or gender identity, may refuse to recognize the family of LGBTQ couples, and may use harsh or abusive language when treating them.

This discrimination disproportionately affects transgender patients. In fact, a 2017 study by the Center for American Progress demonstrates that 29 % of transgender patients were excluded from healthcare service by a provider because of their actual

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<sup>1</sup> M. Saida Agostini, PUSHING BACK: A BLUE PRINT FOR CHANGE: LESSONS LEARNED FROM THE 2016 NEEDS ASSESSMENT OF LGBTQ MARYLANDERS at 21 (FreeState Justice 2018), available at <https://freestate-justice.org/wp-content/uploads/2019/03/Pushing-Back-A-Blueprint-for-Change.pdf>.

or perceived gender identity.<sup>2</sup> A 2015 US Transgender Survey report revealed that one in four transgender people avoided seeking care for fear of discrimination, while one-third who did see a health care provider in the year prior reported having at least one negative experience relating to their transgender status.<sup>3</sup> Despite Maryland's strong record on LGBTQ rights, the Maryland residents answered largely in line with their peers in other states, with 23% reporting not seeking care for fear of being mistreated and 29% reporting having at least one negative interaction with a health care provider in the prior year.<sup>4</sup>

This persistent discrimination causes many LGBTQ Marylanders, especially those outside of the Baltimore and Washington, D.C., metro areas, to drive between 45 to three hours to access inclusive healthcare services.<sup>5</sup> Even if they are able to find an affirming provider, however, services can still be (and sometimes are) denied by hospital policies that discriminate against LGBTQ patients. In one recent case, for instance, a hospital in Baltimore cancelled a transgender man's hysterectomy the night before surgery, despite allowing cisgender patients to receive hysterectomies in the same facilities.

Discrimination like this negatively impacts the wellbeing of LGBTQ Marylanders by decreasing their access to healthcare providers and to medical care, especially for those living in rural areas or seeking specialized treatments. HB0255 would decrease this discrimination faced by LGBTQ people in healthcare settings, increasing their access to inclusive care and improving their wellbeing.

For this reason, FreeState Justice urges a favorable report.

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<sup>2</sup> Shabab Ahmed Mirza & Cailin Rooney, *Discrimination Prevents LGBTQ People from Accessing Health Care*, Center for American Progress, Jan. 18, 2018, available at <https://www.americanprogress.org/issues/lgbtq-rights/news/2018/01/18/445130/discrimination-prevents-lgbtq-people-accessing-health-care/>.

<sup>3</sup> James, S. E., *et al.*, THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY at 93, 96-99 (Nat'l Ctr. for Transgender Equality 2016), available at <http://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>.

<sup>4</sup> James S. E., *et al.*, THE 2015 U.S. TRANSGENDER SURVEY, *Maryland State Report* at 3 (Nat'l Ctr. for Transgender Equality 2017) available at <https://transequality.org/sites/default/files/USTS%20MD%20State%20Report.pdf>.

<sup>5</sup> M. Saida Agostini, PUSHING BACK: A BLUE PRINT FOR CHANGE: LESSONS LEARNED FROM THE 2016 NEEDS ASSESSMENT OF LGBTQ MARYLANDERS at 22 (FreeState Justice 2018), available at <https://freestate-justice.org/wp-content/uploads/2019/03/Pushing-Back-A-Blueprint-for-Change.pdf>