June 19, 2020: Advocacy spotlight on AMA affirms its commitment to defending LGBTQ+ rights

AMA affirms its commitment to defending LGBTQ+ rights

The month of June is celebrated as Pride Month for members of the LGBTQ+ community and the AMA celebrates with our LGBTQ members and patients by affirming our continued commitment to the equal rights, privileges and freedoms of all individuals and opposing discrimination based on sex, sexual orientation or gender identity. Discrimination reinforces stigma and negatively affects health outcomes, and physicians must be at the forefront of ensuring optimal health for all patients.

The AMA has advocated to ban the practice of so-called "conversion therapy" (PDF), a harmful practice which attempts to change an individual's sexual orientation, sexual behavior or gender identity. The practice of pathologizing and "changing" sexual orientation or gender identity is not supported by scientific evidence. To the contrary, evidence has shown that "conversion therapy" is harmful, contributing to increased suicidal behaviors and psychological distress. With AMA support, 20 states have banned so-called "conversion therapy" for minors, with Utah and Virginia banning it this year.

Transgender patients often face discrimination (PDF) when seeking medically necessary health care services that affirm gender or treat gender dysphoria. As a population, transgender individuals are less likely to be insured and even when they are insured, are often denied coverage for gender-affirming care such as hormones and transition-related surgery. Improving access to gender-affirming care is an important means of improving health outcomes for the transgender population and the AMA supports public and private health insurance coverage for treatment of dysphoria and opposes the denial of health insurance based on sexual orientation or gender identity. Earlier this year the AMA partnered with the South Dakota State Medical Association to defeat a bill that would have criminalized the provision of medically necessary gender transition-related care to minor patients.

When litigation is necessary, the AMA has enlisted the help of its Litigation Center to defend LGBTQ+ rights. Recent cases where the AMA Litigation Center filed "friend of the court briefs" include:

- Bostock v. Clayton County; Zarda v. Altitude Express; Harris Funeral Homes v. EEOC – Three U.S. Supreme Court cases, which were consolidated to determine whether employees


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can sue for employment discrimination on the basis of sexual orientation or gender status. The Supreme Court ruled, 6-3, on June 16, 2020 in favor of protections for LGBTQ+ workers.

- **Doyle v. Hogan**—AMA Litigation Center joined an *amicus* brief in support of Maryland's Conversion Therapy ban before the 4th Circuit Court of Appeals. The decision still pending.
- "Right to Refuse" or "Conscience Rule" Litigation in federal district courts in California, New York, Maryland, and Washington. The district courts returned favorable rulings out of the district courts in all but Maryland, where the case is still pending. The California, Washington, and New York cases are now on appeal in the 2nd and 9th Circuits, where we anticipate we will join as an *amicus* again.
- **Keohane v. Florida Department of Corrections**—Decided on March 11, 2020 by the 11th Circuit Court of Appeals, which found that refusing to provide treatment to an inmate with gender dysphoria was unconstitutional under the 8th Amendment’s ban on cruel and unusual punishment.
- **Edmo v. Idaho Dept of Corrections**—Decided on Aug. 23, 2019 by the 9th Circuit, which upheld a preliminary injunction ordering gender confirmation surgery for an inmate.
- **Gavin Grimm v. Gloucester County**—AMA joined an *amicus* brief before the 4th Circuit in support of a high school student who challenged a school district’s decision to deny the student access to the bathroom of his gender. Oral arguments were heard on May 26, 2020.

As physicians and leaders in medicine, the AMA is steadfast in its belief that every individual is entitled to high quality evidence-based medical care regardless of gender or sexual orientation and will continue to work diligently at the state and federal levels to expand access to medical services, reduce stigma for LGBTQ patients and break down discriminatory barriers to care.

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