

Members of the Advisory Committee on LGBTQ Issues for 2019-2020 include:

- Shilpen Patel, MD, At-Large Representative (Chair)
- Magda Houlberg, MD, At-Large Representative (Vice Chair)
- Jacques Ambrose, MD, Young Physicians Section Representative
- Desi Bailey, MD, GLMA Representative
- Frank Dowling, MD, At-Large Representative
- Sam Dubin, Medical Student Section Representative
- Hunter Pattison, MD, Resident & Fellow Section Representative

## 2019 AMA ANNUAL MEETING

The [Advisory Committee on LGBTQ Issues](#) met on June 6 at the Hyatt Regency Chicago. Members explored with Ed-Hub staff how best to implement policy recently adopted by the House of Delegates regarding LGBTQ health, including:

- [\*Promotion of LGBTQ-Friendly and Gender-Neutral Intake Forms D-315.974\*](#)
- [\*Medical Spectrum of Gender D-295.312\*](#)
- [\*Eliminating Health Disparities - Promoting Awareness and Education of Lesbian, Gay, Bisexual, Transgender and Queer \(LGBTQ\) Health Issues in Medical Education H-295.878\*](#)

The Advisory Committee also acknowledged the service of the following members who's terms expired the close of the AMA Annual Meeting, including Erick Eiting, MD, MPH, MMM and Scott Chaiet, MD, MBA.

### *Education*

The Advisory Committee hosted its LGBTQ and Allies Caucus and Reception on Friday, June 7. The program began with an educational session, “PrEP to End HIV by 2030,” featuring Maya Green, MD, who is a site medical director for Chicago’s Howard Brown Health. Dr. Green described effective strategies to expand access to PrEP and identified the impact of PrEP to eliminate HIV by 2030. The program also featured keynote speaker Mathew Shurka, co-founder and chief strategist of Born Perfect, Inc. Mr. Shurka shared his personal experiences with—and advocacy to end—LGBTQ change efforts (also known as “conversion therapy”). To date, 18 states have banned LGBTQ change efforts. U.S. Surgeon General Jerome Adams, MD, also delivered impromptu remarks regarding health equity and recent efforts in the Department of Health and Human Services to eliminate disparities in the HIV epidemic.

On June 8, the LGBTQ Advisory Committee hosted “Differences in Sex Development: Clinical and Ethical Implications for Providers, Patients, and Parents,” an education session co-sponsored by the Council on Ethics and Judicial Affairs, and the LGBTQ Issues Committee of the Medical Student Section. The panel, moderated by Advisory Committee chair, Shilpen Patel, MD, discussed the medical conditions encompassed within the differences in sex development umbrella; articulated the relevancy of DSD medical-ethical topics within sex and gender minority health; and described the ethical considerations when determining appropriate care for DSD patients based on the current data landscape. Panelists included Earl Cheng, MD, a pediatric urologist at Lurie Children’s Hospital of Chicago; Katharine Dalke, MD MBE, a psychiatrist at Penn State University; Kathryn Moseley, MD, MPH, a bioethicist, pediatrician, neonatologist at University of Michigan Medical School and vice chair of the AMA’s Council on Ethics and Judicial Affairs; and Julie Greenberg, JD, professor emeritus with Thomas Jefferson School of Law.

### **Policy**

Following are the resolutions involving LGBTQ health that were considered by the House of Delegates and adopted as AMA policy:

- *Res. 003 Conforming Sex and Gender Designation in Government IDs and Other Documents*
- *Res. 008 Preventing Anti-Transgender Violence*
- *Res. 009 References to Terms and Language in Policies Adopted to Protect Populations from Discrimination and Harassment*
- *Res. 015 Opposing Mandated Reporting of People Who Question Their Gender Identity*
- *Res. 016 Sexual and Gender Minority Populations in Medical Research*
- *Res. 413 End the Epidemic of HIV Nationally*
- *Res. 432 Decriminalization of HIV Status Non-Disclosure*
- *Res. 522 Improved Deferral Periods for Blood Donors*

View the complete, annotated Reference Committee reports with notes on action taken, [visit the House of Delegates' meeting page](#). For access to all AMA policies adopted by the House of Delegates, visit the [AMA Policy Finder](#).

### **SOGI DATA COLLECTION**

The AMA House of Delegates adopted a policy during the 2017 Annual Meeting to collect sexual orientation and gender identity information (also known as SOGI data) on an anonymous and confidential basis. Since then, the Advisory Committee has been a consultative partner with staff in Physician Engagement, Health Solutions Group and others to offer guidance and feedback around survey models, testing, etc. To date, over 11,000 physicians and medical students have shared their SOGI data in the database.

### **ISSUE BRIEFS ON LGBTQ HEALTH**

For over the last year, the LGBTQ Advisory Committee and staff have worked with the AMA's Advocacy Resource Center team on [a set of 3 issue briefs](#). The topics address:

- Transgender individuals' access to public facilities;
- LGBTQ change efforts (which is commonly referred to as "conversion therapy");
- Health insurance coverage for gender-affirming care of transgender patients.

The issue briefs were launched during the State Advocacy Summit in January 2019. Each issue brief was authored by our members, edited by the staff, and co-branded by GLMA: Health Professionals Advancing LGBTQ Equality. The goal is for the issue briefs to inform legislative staff, medical society lobbyists, physician and other LGBTQ health advocates on the background, health implications, legal and ethical issues, as well as policy that has been adopted by both the AMA and by GLMA. Since the launch, LGBTQ AC leaders Shilpen Patel, MD (chair) and Scott Chaiet, MD, MBA (immediate past chair) partnered with the Medical Association of Georgia as featured guests during a [podcast on LGBTQ health](#), which focused on all three issue briefs.

### **AMA 2018 INTERIM MEETING**

The Advisory Committee hosted its LGBTQ and Allies Caucus and Reception in November 2018 in conjunction with the AMA Interim Meeting in National Harbor, Maryland. The program included a townhall on the impact of the recent national election on LGBTQ health. Our guests were:

- Hector Torres, JD (moderator; GLMA, DC)

- Laura Durso, PhD (Center for American Progress, DC)
- Tari Hanneman, MPH (Human Rights Campaign, DC)
- Stacey Long Simmons (National LGBTQ Task Force, DC)

The LGBTQ AC also co-sponsored an education session that was organized by the LGBTQ Issues Committee of the Medical Student Section on suicide and mental health concerns among LGBTQ youth. LGBTQ AC member and RFS Representative, Dr. Jacques Ambrose, a specialist in child and adolescent psychiatry, was the presenter.

### LGBTQ HEALTH CONFERENCES

In May 2018, LGBTQ AC chair Dr. Shilpen Patel represented the AMA at an annual conference on the LGBTQ health workforce hosted by Building the Next Generation of Academic Physicians in New York City. Over 200 health professionals attend the conference annually.

In March 2019, the LGBTQ Advisory Committee and our board liaisons spent the weekend in Nashville at Vanderbilt University for the Southern LGBTQ Health Symposium. Each of the members who attended the Symposium also delivered presentations on topics including immunizations; transgender care; mental health and LGBTQ youth; differences in sex development among intersex patients; and the strategic partnership between AMA and GLMA and our collaborative advocacy on recent controversial federal policy efforts that would have a direct impact on the LGBTQ community. After the Symposium, the Advisory Committee held its Spring meeting where members deliberated recommendations for the upcoming BOT meeting next month; planned sessions for the Annual Meeting in June; and began to build a strategic planning framework for the coming year.

In September 2019, some of the members of the LGBTQ Advisory Committee will attend the GLMA annual meeting in New Orleans. The AMA will again have an information booth in the exhibit hall.

### AMA ADVOCACY AND LITIGATION

In March 2019, the American Medical Association was among hundreds of organizations that endorsed the Equality Act when it was introduced to the 116th Congress for consideration. If passed, this federal bill would provide comprehensive and explicit nondiscrimination protections nationwide for the LGBTQ community, ensuring that no one is discriminated against on the basis of sexual orientation and gender identity in employment, housing, credit, education, public spaces and services, federally funded programs, and jury service.

Following is a list of ongoing cases involving LGBTQ issues in which the AMA Litigation Center has engaged based on strong policy adopted by the AMA:

#### *Good v. Iowa Department of Human Services* (Iowa S. Ct.)

**Issue:** The issue in this case was whether a regulation of the Iowa Department of Human Services, Iowa Administrative Code § 441.78.1(4), which categorically bans Medicaid coverage for “[p]rocedures related to transsexualism … [or] gender identity disorders,” is valid.

**AMA interest:** The AMA recognizes that medical and surgical treatments for gender dysphoria are medically necessary and will advocate for medically necessary care for gender dysphoria.

**AMA Involvement:** The Litigation Center joined the Iowa Medical Society in an amicus brief to the Iowa Supreme Court. The brief argued for affirmance of the trial court holding that Regulation § 441.78.1(4) is invalid. In a unanimous ruling, the Iowa Supreme Court affirmed the appellate court finding that Regulation § 441.78.1(4) violates the Iowa Civil Rights Act

#### ***Adams v. School Board of St. Johns County, Florida* (11<sup>th</sup> Cir.)**

**Issue:** The issue in this case is whether a school board's decision to deny a transgender student access to the bathroom facility that matches his gender identity violates Title IX of the Education Amendments of 1972, which generally prohibits discrimination in education facilities based on sex, and the Equal Protection Clause of the United States Constitution.

**AMA interest:** The AMA opposes policies preventing transgender individuals from accessing basic human services and public facilities in line with one's gender identity, including, but not limited to, the use of restrooms.

**AMA involvement:** The AMA, along with other medical societies, joined *amicus* briefs in the district court and the Eleventh Circuit to support Adams.

#### ***G.G. v. Gloucester County School Board* (E.D. Va.)**

**Issue:** The issue in this case is whether a school board's decision to deny a transgender student access to the bathroom facility that matches his gender identity violates Title IX of the Education Amendments of 1972, which generally prohibits discrimination in education facilities based on sex.

**AMA interest:** The AMA opposes discrimination based on an individual's gender identity. The AMA supports the provision of high quality and culturally competent care to LGBTQ people.

**AMA involvement:** The AMA, along with several specialty medical societies, filed an *amicus* brief in the Fourth Circuit remand to support Gavin. The brief pointed out the deleterious medical effects on transgender students who are prevented from using bathroom facilities in line with their gender identities.

#### ***Maday v. Township High School District 211* (Ill. App. Ct.)**

**Issue:** The issue in this case was whether a school district's decision to deny a transgender student access to the locker room facilities that match her gender identity violated Title IX of the Education Amendments of 1972, which generally prohibits discrimination in education facilities based on sex, and the Illinois Human Rights Act.

**AMA interest:** The AMA opposes policies preventing transgender individuals from accessing basic human services and public facilities in line with one's gender identity, including, but not limited to, the use of restrooms.

**AMA involvement:** The AMA, along with other medical societies, filed an *amicus* brief to support Maday in the Appellate Court. The brief pointed out the deleterious medical effects on transgender students who are prevented from using bathroom facilities in line with their gender identities.

#### ***R.M.A. v. Blue Springs R-IV School District* (Mo. S. Ct.)**

**Issue:** The issue in this case is whether a school district's decision to deny a transgender student access to the locker room facilities that match his gender identity violates Missouri law on the right to

public access without discrimination and Title IX of the Education Amendments of 1972, which generally prohibits discrimination in education facilities based on sex.

**AMA interest:** The AMA opposes policies preventing transgender individuals from accessing basic human services and public facilities in line with one's gender identity, including, but not limited to, the use of restrooms.

**AMA involvement:** The AMA, along with other medical societies, joined an *amicus* brief to support R.M.A. in the Missouri Supreme Court.

#### ***Keohane v. Florida Dep't. of Corrections* (11<sup>th</sup> Cir.)**

**Issue:** The issue in this case is whether incarcerated transgender individuals have a right to gender dysphoria treatment, including healthcare related to social transition.

**AMA Interest:** The AMA opposes discrimination based on an individual's gender identity and supports the provision of high quality and culturally competent medical care to LGBTQ people.

**AMA involvement:** The AMA filed an *amicus* brief in the Eleventh Circuit in support of Keohane's access to transition related health care.

#### ***Edmo v. Idaho Department of Correction* (9<sup>th</sup> Cir.)**

**Issue:** The issue in this case is whether incarcerated transgender prisoners have a right to gender dysphoria treatment, including sex reassignment surgery.

**AMA interest:** The AMA opposes discrimination based on gender identity.

**AMA Involvement:** The AMA joined with other health care organizations in an *amicus* brief in the Ninth Circuit to support Edmo's claimed right to receive sex reassignment surgery.

#### ***Doe 2 v. Trump* (D.C. Cir.)**

**Issue:** The issue in this case is whether a Department of Defense (DOD) policy that excludes openly transgender people from serving in the military is constitutional.

**AMA Interest:** The AMA opposes discrimination based on an individual's gender identity.

**AMA Involvement:** The AMA, along with several other medical societies, filed an *amicus* brief in the District of Columbia Circuit to support the plaintiffs.

#### ***Karnoski v. Trump* (9<sup>th</sup> Cir.)**

**Issue:** The issue in this case is whether a Department of Defense (DOD) policy that excludes openly transgender people from serving in the military is constitutional.

**AMA Interest:** The AMA opposes discrimination based on an individual's gender identity.

**AMA Involvement:** The AMA, along with several other medical societies, filed an *amicus* brief in the Ninth Circuit to support the plaintiffs.