

Policy Recommendations Report

Project RAINBOW

Resources Advocacy & Inclusive Network
for Better Outcomes in LGBTQ+ Wellness





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Purpose

In August 2023, Project RAINBOW convened health care professionals and advocates to discuss ways to protect the rights and welfare of the LGBTQ+ community in California, especially transgender, gender-diverse, and intersex (TGI) people. Our goal is to improve access to comprehensive health care and health education in settings that promote respect and validation, as well as address barriers to obtaining health care services – including gender-affirming care – in safe and inclusive settings. This collaboration of providers and advocates offers policy recommendations that promote access to health education, expand the availability of inclusive and medically accurate resources and care, and create a welcoming and supportive environment for California’s diverse LGBTQ+ communities.

Background

LGBTQ+ individuals, especially TGI youth, are confronting an alarming rise in discrimination and violence, fueled by misinformation and political attacks. States across the country enacted 25 anti-LGBTQ+ bills in 2022,¹ and by 2023, nearly 600 bills across 49 states² were introduced to restrict the rights of transgender people. Remarkably, these attacks mirror previous assaults on reproductive freedom from the same extremists who limited access to abortion before turning their focus to gender-affirming care.

TGI people – especially TGI youth – are being targeted by political attacks aimed at restricting access to gender-affirming care, health care which is supported by every major medical and mental health organization including the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association. These political attacks significantly impact the physical and mental well-being of TGI youth and adults.

In this dangerous moment, California must continue to lead the nation with legislation that protects LGBTQ+ communities and do everything possible to protect TGI people from discrimination and violence. This report aims to build on the recent accomplishments of advocates and lawmakers to make California a safe haven for TGI people where their access to essential health care services is guaranteed. The policy recommendations offered in this report can be used by California policymakers to further protect LGBTQ+ people in the state and ensure they have access to comprehensive health care.

Terminology

This report refers to transgender, gender-diverse, and intersex individuals (“TGI”) and gender-affirming care (“GAC”) or TGI care with the understanding that language and definitions may vary in different contexts and across the coalition, especially as discourse continues to evolve.

¹ *An Epidemic of Violence 2022*, Human Rights Campaign (Dec. 2022), <https://reports.hrc.org/an-epidemic-of-violence-2022>.

² Trans Legislation Tracker, <https://translegislation.com/bills/2023/passed> (last visited Jan. 11, 2023).



Process

In 2023, Project RAINBOW surveyed medical professionals and advocates about their priorities and concerns related to the delivery of health care services for TGI people. Responses to the survey highlighted major concerns around the mental health of TGI patients, the lack of care for TGI patients, and widespread difficulty navigating the health care system. Medical professionals also expressed concerns regarding a lack of educational training on treatment for TGI patients, as well as challenges in identifying affirming health providers.

In August, Project RAINBOW workgroups met to identify barriers and challenges to providing and receiving GAC. Survey results informed the discussion in the workgroups, one group consisting of medical providers and the another of advocates from various community-based organizations. The workgroups identified a variety of difficulties and barriers that providers, patients, and their support networks face while providing and accessing GAC. The following recommendations are a cumulation of the work of Project RAINBOW's workgroups and represent potential affirmative solutions to address barriers to accessing and providing GAC in California.

Recommendations

These recommendations aim to address the challenges and discrimination that TGI patients face when seeking and receiving health care. California should invest in strong support services for LGBTQ+ people, particularly TGI people and their families, and ensure that the health care workforce is trained to provide inclusive care with dignity. California must strengthen safeguards for LGBTQ+ communities and remain a safe haven from states that are creating hostile environments for TGI people.

- **Ensure comprehensive access to information.** The state should work in partnership with community stakeholders to create and maintain an online resource that offers information to patients, health care providers, and families about available support for TGI individuals and their families. The site should include resources on care options, coverage information, and financial assistance programs for those seeking GAC. The site should be updated regularly, note when resources were last updated, and have a quick escape feature to protect users. The site should also have various accessibility features, including translations for non-English speaking people and site navigation for people with disabilities. An accessible, secure, and user-friendly website will serve as a single point of contact for people seeking support and resources on GAC in California. A trusted source of accurate information also helps combat harmful misinformation and disinformation, and moreover could serve as a valuable research and learning tool to keep TGI individuals safe.
- **Support research and data on the provision of GAC in California.** Funding should be made available for research and data collection around GAC to inform policy solutions that address the needs of people facing barriers to care. Studies can provide advocates and policymakers with a better understanding of the obstacles that LGBTQ+ individuals, including TGI youth, must overcome to access information, education, and inclusive health care. Data must be collected in a manner that is confidential and guarantees the safety of TGI patients. Adequate resources should also be allocated to ensure that relevant oversight agencies collect and compile reports on TGI-inclusive care as required by SB 923³
- **Enshrine the right to GAC free from discrimination.** California should affirmatively recognize and safeguard the right to GAC for TGI people. A recent JAMA article concluded that access to GAC can improve mental health outcomes for TGI individuals and their overall well-being.⁴ Despite these benefits, many states have passed legislation that limits or outright bans access to GAC. State law should reflect California's values – that people are free to live their true lives with autonomy and dignity – and hold lawmakers accountable to those principles. California should affirm that it will not interfere with an individual's right to access GAC, thereby fostering inclusivity, respect, and the well-being of all individuals within the state.
- **Invest in community-based organizations that provide support to LGBTQ+ youth and families seeking inclusive health care services in California.** Community-based organizations in California support LGBTQ+ people through tailored support, advocacy, and education. These groups provide essential community-based services to TGI people in the state; with increasing numbers of families seeking refuge in California, it is imperative that these groups receive continued funding. Such funding can be used to directly support patients via patient navigators who can ease logistical barriers and outline care options, act as advocates for the patient's needs, and offer financial support. In addition, the state should make sure that community organizations have adequate assistance while they attempt to obtain state funding.

³ SB 923 (2022), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20210220SB923.

⁴ Tordoff, D. M., Wanta, J. W., Collin, A., Stepney, C., Inwards-Breland, D. J., & Ahrens, K., et al, *Mental health outcomes in transgender and nonbinary youths receiving gender-affirming care*, JAMA Network Open, <https://doi.org/10.1001/jamanetworkopen.2022.0978>.

- **Facilitate referrals to TGI care providers.** Many TGI patients encounter providers who are not trained to provide TGI inclusive care, leading to challenges in finding and being referred to GAC providers. Providers and health plans should facilitate referrals to qualified providers that meet specified benchmarks for inclusive care. It is important to ensure that health plans quickly adopt the requirements of SB 923⁵ to update their provider directories to list providers that offer gender-affirming services.
- **Ensure coverage for GAC and address barriers to coverage.** Policymakers should conduct a review of private and public health plan coverage for GAC in California and address any gaps in coverage. In addition, policy to improve access to GAC, including coverage for care from out-of-network providers, should be explored to remove barriers to specialized care providers.
- **Require public colleges to support TGI students.** Public universities – including community colleges – should offer resources, specialized support, and access to GAC to their students. These resources should include counseling and mental health support, increased on-campus availability of services, and coverage for GAC through student health plans.
- **Require training for providers and other health care workers to provide inclusive health care to TGI patients.** California must increase the accessibility of quality trainings for clinicians, health care workers, and other people in the health care system that provide up-to-date information on inclusive health care services for TGI patients. Providers should understand gender diversity, stay informed about the latest medical advancements, and develop the skills necessary to deliver affirming and patient-centered care. The implementation of SB 923⁶ should be closely monitored, including provisions that require quality standards for treating TGI patients, cultural competency training for health plan staff, and the development of continuing medical education (CME) curriculum to provide inclusive care for TGI people.
- **Expedite licensure for providers and clinicians committed to provide GAC in California.** The state should ensure that licensure applications for providers of GAC are prioritized to ensure a robust network of providers in the state.
- **Explore additional legal protections for patients and providers.** As other states pass laws that endanger LGBTQ+ people and their families, California must continue to be a safe haven for people seeking refuge here. The state must build on the protections enacted by SB 107⁷ and SB 345⁸ to protect patients, providers, and those who support them from legal liability stemming from hostile laws in other states. There is also a need for increased confidentiality protections for patients seeking GAC, as well as identifying and addressing needed protections for Californians who face formidable barriers to care due to incarceration or other circumstances.

⁵ SB 923 (2022), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20212022oSB923.

⁶ *Id.*

⁷ SB 107 (2022), https://leginfo.legislature.ca.gov/faces/billVotesClient.xhtml?bill_id=20212022oSB107.

⁸ SB 345 (2023), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20232024oSB345.



Conclusion

With the disturbing rise of anti-LGBTQ+ legislation and policies throughout the country, California must lead the way to ensure that young people are safe, supported, and have access to the resources and health care that they need. We urge California policymakers to act upon these recommendations and take meaningful action to implement them to improve equitable access to health care services for TGI people. We hope that these recommendations inspire additional dialogue between lawmakers and their TGI constituents, their families, and their providers.

Participants

ACLU California Action
ACLU Southern California
American Academy of Pediatrics California (AAP-CA)
California Academy of Family Physicians
Central Valley LGBTQ+ Collaborative
Equality California
LGBTQ Collaborative
Los Angeles LGBT Center
Orange County LGBT Center
Planned Parenthood Affiliates of California
Planned Parenthood California Central Coast
Planned Parenthood Los Angeles
Planned Parenthood Mar Monte
Planned Parenthood Northern California
Planned Parenthood Orange and San Bernardino Counties
Planned Parenthood Pacific Southwest
Planned Parenthood Pasadena and San Gabriel Valley
Queer Humboldt
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