



Biden-Harris Administration Highlights Key LGBTQI+ Progress at HHS

Every day, the U.S. Department of Health and Human Services (HHS) works to ensure that individuals, families, and communities — including those in the LGBTQI+ community — can go to sleep at night with the peace of mind that comes with having access to quality, affordable health care and human services.

HHS celebrates the progress it has made to advance health and wellbeing in the LGBTQI+ community and recommits to building on this progress in order to deliver on the promise of health equity for communities that have often been underserved and under-resourced.

Increasing Access to Care for LGBTQI+ People

- HHS Office for Civil Rights (OCR) has finalized new rules that will ensure non-discrimination and equity in health and human services for LGBTQI+ Americans, including:
 - Section 1557 of the Affordable Care Act, which prohibits discrimination in health care on the basis of a number of protected characteristics, including sex, which includes discrimination on the basis of sexual orientation, gender identity, and sex characteristics.
 - Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability, including gender dysphoria, and presumptively protects people living with HIV from discrimination. This rule had not been substantively updated to reflect the reality of people's lives since 1977.
 - The Grants Rule, which prohibits sex discrimination, including on the basis of sexual orientation and gender identity in HHS services and grants that include those that provide aid to refugees, early childhood education services, assistance to people experiencing homelessness, substance use disorder (SUD) treatment and prevention, community mental health services, and maternal and child health services.
 - HHS Conscience Rule, which restores the longstanding process for handling conscience complaints, strengthens safeguards to protect against conscience and religious discrimination, and partially rescinds the 2019 Rule.
- OCR has also updated its complaint portal, including by expanding to include 15 languages, gender-neutral honorifics (Mx. along with Mr. and Mrs.), and separate indicators for discrimination based on sex, gender identity and sexual orientation.



- The HHS Substance Abuse and Mental Health Services Administration (SAMHSA) has invested approximately \$1.5B to strengthen the 988 Suicide & Crisis Lifeline, including \$70M dedicated for an LGBTQI+ network of trained counselors on LGBTQI+ issues.
- The HHS Administration for Children and Families (ACF) and SAMHSA established the Refugee Mental Health Initiative within the Refugee Health Promotion program, which prioritizes eligible individuals with the most persistent, pressing, or underserved mental health needs, including LGBTQI+ populations.
- The HHS Administration for Community Living (ACL) finalized a new Older Americans Act rule that included LGBTQI+ and HIV+ older adults as populations of greatest social need.
- HHS unveiled a new LGBTQI+ inclusive framework to accelerate smoking cessation and reduce smoking- and cessation-related health disparities.
- The National Cancer Institute at the National Institutes of Health (NIH) issued a funding opportunity on *Barriers to Care and Survivorship for SGM*, focused on supports for LGBTQI+ cancer patients.
- The HHS Agency for Healthcare Research and Quality (AHRQ) published a model patient intake form that providers can utilize to ensure an inclusive and affirming patient experience.

Increasing Care and Supports for LGBTQI+ Youth

- ACF finalized a rule that strengthens protections for youth in foster care by clarifying how states must meet their statutory requirements to appropriately serve LGBTQI+ children in foster care. The rule makes clear that all children in the child welfare system, including LGBTQI+ children, are entitled to protections against harassment, abuse, and mistreatment, regardless of their placement.
- SAMHSA published *Moving Beyond Change Efforts: Evidence and Action to Support and Affirm LGBTQI+ Youth*, a report detailing the evidence of the harms caused by so-called “conversion therapy” and the importance of affirming and supporting LGBTQI+ youth.
- NIH released a Notice of Special Interest in *Research on Family Support and Rejection in the Health and Well-Being of SGM Populations* to boost research on the impact of family rejection and family support on the health and well-being of LGBTQI+ people.
- SAMHSA funded a new \$6.8M grant program for approaches to increase family acceptance for LGBTQI+ youth.
- ACF issued an Information Memorandum for Runaway and Homeless Youth grantees regarding support for LGBTQI+ youth and young adults experiencing homelessness.
- The Indian Health Service (IHS) distributed approximately 30,000 Two-Spirit children’s books to Indigenous families to promote understanding and decrease stigmatization.

- SAMHSA and the National Telecommunications and Information Administration led a government wide task force that reviewed the impact of social media access and America's youth. LGBTQI+ youth were included as key informants for this work, noting that social media can provide a welcoming place of inclusion and community for them when many would otherwise be isolated.

Advancing LGBTQI+ Data Equity

- HHS adopted a department-wide Sexual Orientation and Gender Identity (SOGI) Data Action Plan that seeks to improve data equity in public health and human services, they include:
 - The HHS Centers for Disease Control and Prevention (CDC) added SOGI data to HIV, STI, and MPOX surveillance and added a question about experiences with LGBTQI+ discrimination to the Youth Risk Behavior Survey
 - IHS published a circular adding SOGI data to their patient records
 - Centers for Medicare & Medicaid Services (CMS) added SOGI questions to all Healthcare.gov marketplace applications and the Medicare Part C and Part D enrollment forms, and the Medicare Current Beneficiary Survey (MCBS).
 - CMS issued an Information Bulletin to states allowing them to add SOGI to state Medicaid and CHIP applications.
 - AHRQ proposed adding SOGI to the Medical Expenditures Panel Survey
 - ACF Office on Trafficking in Persons has embedded SOGI measures in all victim assistance and training information requests.
 - SAMHSA added gender identity questions for all respondents and began asking youth sexual orientation questions in its National Survey on Drug Use and Health and proposed adding SOGI to the Drug and Alcohol Warning Network.
- CMS has published a new resource¹ on health equity data, definitions, standards, and stratification that updates CMS standards for race and ethnicity data elements as well as sexual orientation and gender identity data elements.
- HHS Office of the National Coordinator for Health IT finalized changes to the US Core Data for Interoperability that require electronic health records to collect and transfer SOGI data fields, and proposed new voluntary fields for pronouns, chosen names, and sex parameters for clinical use.

Increasing Access to HIV, STI, and MPOX Prevention and Care and Addressing Stigma

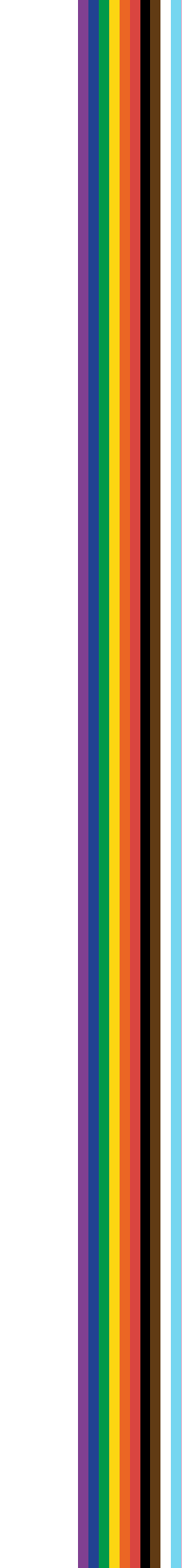
- FDA finalized new blood donation guidelines replacing the time-based deferral for gay and bisexual men with an individual risk assessment, with all donors being asked the same questions.

1. <https://www.cms.gov/files/document/cms-2024-omh-data-definitions.pdf>

- FDA approved the first-ever long-acting, injectable form of HIV Pre-Exposure Prophylaxis (PrEP), an important tool in addition to the existing once-daily pill option.
- The U.S. Preventive Service Task Force (USPSTF) issued a Grade A recommendation for all forms of PrEP, stating that PrEP is “safe and highly effective at preventing HIV.”
- CMS proposed a National Coverage Determination that would provide Medicare coverage for all forms of PrEP, its administration, and ancillary services with no cost sharing.
- CMS — and partners at the Department of Labor and Treasury — released guidance clarifying that insurance plans are required to cover PrEP and related essential support services (e.g., monitoring office visits, related testing/screenings, adherence counseling) without cost sharing to that ensure PrEP is administered safely and effectively to persons who need it.
- SAMHSA, CDC, and the HHS Health Resources and Services Administration (HRSA) issued Dear Colleague Letters to their grantees and stakeholders to address the syphilis/HIV syndemic and the increase in congenital syphilis nationwide.
- CDC piloted a nation-wide at-home HIV testing campaign.
- CDC proposed a first-ever clinical guidance on doxycycline post-exposure prophylaxis (DoxyPEP), to prevent STI infections for indicated populations.
- HHS worked alongside community stakeholders to coordinate the federal government response to MPOX.
- HHS became the first Department to end HIV exclusions in a uniformed service when the U.S. Public Health Service ended its ban on new enrollments for people living with HIV and Hepatitis B.
- CMS recently added an HIV Prevention Improvement Activity (IA) to their Merit-based Incentive Payment System (MIPS) Program. The new Improvement Activity, entitled “*Improving Practice Capacity for HIV Prevention Services*,” aims to promote evidence-based policies and procedures that can increase HIV prevention screening and linkage to appropriate prevention resources at the practice level.
- CDC announced a new public-private partnership with Kaiser Family Foundation to include free HIV, syphilis, and Hepatitis C testing across 550 Walgreens community pharmacies nationwide.

Addressing Safety Needs of LGBTQI+ Communities

- Following the shooting at Club Q in Colorado Springs, SAMHSA provided a state emergency response grant to the State of Colorado.
- Additionally, after the Club Q shooting, HHS, through the Administration for Strategic Preparedness and Response (ASPR), developed a toolkit for LGBTQI+ communities to prepare for emergencies.

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- CMS took action to protect transgender medical providers by making it possible for prior names to be removed from their National Provider Identifier, preventing prior names from being displayed on public websites, and expanding the gender options for healthcare providers.
 - ACF issued an Information Memorandum that specifically addresses the impact of interpersonal violence on LGBTQI+ communities.

Addressing Global LGBTQI+ Health

- HHS jointly issued an Interagency Action Plan to Combat So-Called Conversion Therapy Practices Globally with the Departments of State, Treasury, and the U.S. Agency for International Development (USAID).
- Following passage of Uganda's Anti-Homosexuality Act, HHS jointly issued a business advisory with the Departments of Labor, State, and Commerce, and USAID, regarding the risks and considerations for business in Uganda.