

## KEY TAKEAWAYS

- Despite gains made by the Affordable Care Act (ACA), LGBTQ people still face significant barriers when seeking health care. In North Carolina, [1 in 5](#) LGBTQ people lack health insurance.
- North Carolina law allows the estimated [319,000 LGBTQ adults in North Carolina](#) to face [discrimination](#) based on sexual orientation or gender identity in private health insurance plans.
- [65 percent](#) of LGBTQ Americans have a pre-existing condition, such as diabetes, asthma, heart disease, or HIV.
- Southern LGBTQ individuals are nearly [twice as likely](#) to lack health insurance compared to their peers in other states. Medicaid expansion in North Carolina would have an immediate impact on the LGBTQ community's access to care.
- The Trump administration is actively fighting to remove LGBTQ protections within the Affordable Care Act. **It is critical that lawmakers fight to defend these protections for North Carolina's LGBTQ community by voting to protect the ACA and supporting efforts to block the Trump administration's discriminatory new rule.**

## INTRODUCTION

*Members of the LGBTQ community have consistently faced discrimination and systemic disadvantages that have resulted in a disproportionate lack of access to health care. This is exacerbated by an alarming tendency for lesbian, gay, bisexual and transgender individuals to experience higher rates of a variety of chronic illnesses. The implementation of the Affordable Care Act, however, was pivotal in increasing rates of insurance coverage, providing new opportunities to access care, and educating communities about their rights within the health care system.*

*Health care inequities are even more pervasive for LGBTQ people living in the South. While LGBTQ communities are diverse in many ways, the Affordable Care Act has helped provide protections that have improved access to health care for LGBTQ people in North Carolina and across the country. While progress has been made, there are simple steps North Carolina has yet to take. **For instance, Medicaid expansion would have an immediate, positive impact on LGBTQ health across the state.***

*This report makes clear that LGBTQ North Carolinians must be protected -- and our lawmakers can take concrete steps to ensure that happens.*

# BACKGROUND

LGBTQ Americans are [more than twice](#) as likely to be uninsured as non-LGBTQ Americans, regardless of income.

- [25 percent](#) of transgender people are uninsured.
- LGBTQ people are [more likely](#) to live in poverty, which further decreases access to health care. This is especially true for transgender individuals and bisexual women, who experience rates of poverty nearing [30 percent](#).

In North Carolina, [1 in 5](#) LGBTQ people lack health insurance.

[65 percent](#) of LGBTQ Americans have a pre-existing condition, such as diabetes, asthma, heart disease, or HIV.

Eight percent of lesbian, gay, and bisexual adults and 29 percent of transgender adults nationwide have reported being [outright denied](#) care by a health care provider.

There are an estimated [319,000](#) LGBTQ adults in North Carolinians. Meanwhile, North Carolina law fails to ban [discrimination](#) based on sexual orientation or gender identity in private health insurance plans.

- In general, North Carolina has [very few](#) nondiscrimination protections for LGBTQ people. This includes no laws preventing discrimination within housing, credit and lending, employment, public schools, or laws that define hate crimes against the LGBTQ community.

# RACIAL DISPARITIES IN LGBTQ HEALTH CARE

*Black LGBTQ people face intersecting forms of adversity and discrimination within the health care system. As a result of compounding structural barriers, there are disparities in access to care even within the LGBTQ community itself. [North Carolina](#) has one of the largest, most vibrant Black LGBTQ communities in the country, making the conversation about overlapping obstacles in health care even more critical.*

**Nationwide, Black gay and bisexual men are [more likely](#) than their white counterparts to be living with HIV despite engaging in lower risk behavior and taking more preventative measures on average.**

- Experts have attributed this disparity to Black men experiencing [higher rates](#) of unemployment, poverty, and incarceration compared to white men in the LGBTQ community.

**LGBTQ people of color are [significantly more likely](#) than white members of the LGBTQ community to face barriers in access to health care.**

- 1 of 4 LGBTQ people of color is [uninsured](#) compared to 17 percent of the LGBTQ community as a whole. Even worse, 1 of 3 transgender people of color do not have insurance.

**Black members of the LGBTQ community are [more likely](#) to live in poverty, which greatly reduces their ability to access and afford health care.**

**[41 percent](#) of Black transgender people experience homelessness at some point in their lives, which is five times higher than the general population.**

**North Carolina has one of the [largest](#) Black LGBTQ communities in the United States.**

- Black LGBTQ people are [more likely](#) than non-Black LGBTQ people to experience police violence and hate crimes related to their sexual orientation or gender identity.

# LGBTQ PROTECTIONS IN THE ACA

*In addition to providing groundbreaking nondiscrimination protections, the Affordable Care Act massively improved access to health care within the LGBTQ community. **It is absolutely vital that lawmakers defend the ACA to ensure LGBTQ individuals continue to see improvements in their ability to seek care.***

According to advocacy group Out2Enroll, the Affordable Care Act is the “first federal law to [prohibit](#) discrimination against LGBTQ people in the health system.”

- The ACA “contains [explicit](#) protections for transgender, gender nonconforming, non-binary, and intersex individuals as well as LGB people based on sex stereotyping.”

The Affordable Care Act [prohibits](#) plans from discriminating against people living with HIV or people who are lesbian, gay, bisexual, or transgender.

- The ACA’s nondiscrimination protections prevent [transgender exclusions](#) in most types of health insurance, meaning that if a health care plan provides a service to a non-transgender person, it must make the same care available to a transgender person with the same plan.
- State marketplaces and the health care plans they provide are [prohibited](#) from discriminating against the LGBTQ community.

The Affordable Care Act [reduced](#) the level of uninsured LGBTQ Americans substantially. Between 2013 and 2014, the first year of open enrollment through the ACA, the rate of uninsurance among low-income LGBTQ people fell 24 percent.

## SECTION 1557 OF THE ACA

In 2016, the Office for Civil Rights at the U.S. Department of Health and Human Services released the final rule that implemented [Section 1557](#) of the Affordable Care Act. This rule banned discrimination based on gender identity and sex stereotyping and is the root of the ACA’s nondiscrimination protections for the LGBTQ community.

- The [Obama-era rule](#) took six years and over 25,000 public comments to finalize.
- The [case law](#) that allowed for HHS to rule that discrimination based on gender identity or sexual orientation qualifies as sex discrimination, which is prohibited by the Civil Rights Act of 1964, is the same basis for the case the Supreme Court just decided regarding workplace discrimination. The Court announced its decision on June 15, stating that workplace discrimination based on gender identity or sexual orientation was forbidden under the Civil Rights Act of 1964.

Of the discrimination complaints documented by the Department of Health and Human Services leading up to the rule that implemented Section 1557 of the ACA, more than [three quarters](#) pertained to transgender patients experiencing denial of care or abuse by providers.

# MEDICAID EXPANSION

*Due to inordinately high rates of uninsurance, poverty and chronic illness, expanding Medicaid in North Carolina would immediately improve LGBTQ access to health care across the state. This opportunity would no longer exist if the Affordable Care Act were repealed.*

LGBTQ communities in the South have [higher uninsured](#) rates compared to communities in other parts of the country due to a lack of Medicaid expansion.

- Southern LGBTQ individuals are nearly [twice as likely](#) to lack health insurance compared to their peers in other states.

LGBTQ advocacy groups, such as Equality NC and the National Center for Transgender Equality, have pushed for [Medicaid expansion](#) as an important step to addressing health disparities in North Carolina.

Medicaid expansion would have the most [profound impact](#) on transgender North Carolinians, who experience shockingly high rates of [uninsurance](#), [poverty](#) and [homelessness](#).

## THREATS TO LGBTQ PROTECTIONS

*The Trump administration is actively fighting to remove LGBTQ protections within the Affordable Care Act. While consistent with years of [anti-LGBTQ](#) actions since 2017, this reversal of the Obama administration's attempts to advance access and equity within the health care system put the health and safety of LGBTQ people in North Carolina at risk.*

In [June 2020](#), the Trump administration finalized its rollback of Section 1557 of the Affordable Care Act, which prevented discrimination based on sex and gender identity.

- In [2016](#), a federal judge blocked the specific provisions within Section 1557 that would have extended protections for transgender individuals. The Trump administration used the ruling to justify an entire rewrite of the rule.

The Trump administration's [revised rule](#) gives health care providers, including those receiving federal funding, the ability to deny care to LGBTQ patients for religious or moral reasons.

Advocates have expressed concern that attempts to change the anti-discrimination efforts within the ACA will allow hospitals and health care workers to [discriminate](#) against LGBTQ patients.

- On [June 12](#), the Human Rights Campaign, the nation's leading LGBTQ advocacy group, announced its lawsuit against the rule, which argues "that the removal of protections against sex stereotyping and gender identity exceeds the administration's authority to define sex discrimination" within the Affordable Care Act.