

Navigating different aspects of the law and how it affects us in our daily lives can be difficult for anyone, but knowing exactly how the law affects the rights of LGBT citizens can be even more confusing. Equality Illinois presents a series of informational **KNOW *your* RIGHTS** brochures designed to educate the LGBT community about its rights and responsibilities under state and federal law. The contents of this pamphlet do not constitute legal advice. Please consult an attorney for legal advice.



Visit www.eqil.org or
call us at (773) 477-7173
if you have other questions that have
not been addressed in this brochure.

KNOW
your
RIGHTS:

LGBT
EQUALITY
IN
ILLINOIS

**HEALTH
SERVICES**



HEALTH SERVICES

Are there laws that protect LGBT individuals from health care and insurance discrimination?

Yes. In Illinois, it is illegal to discriminate against or refuse to treat patients based on sexual orientation or gender identity.

Federally, the Affordable Care Act (ACA) includes nondiscrimination provisions that address access to health care and data collection on LGBT health disparities. The ACA also puts an end to limits on lifetime coverage and the practice of denying coverage because of pre-existing conditions such as HIV or cancer.

Furthermore, the American Medical Association (AMA) ethics rules, which serve as a guide for how physicians should practice medicine, call for the equal treatment of LGBT patients. The AMA states that physicians who offer their services to the public may not decline to accept a patient based on certain characteristics, including sexual orientation and gender identity.

How does being transgender affect health insurance coverage?

Illinois law prohibits discrimination against transgender people by places of public accommodation, and insurance has been held to constitute a public accommodation. It is important to review health insurance exclusions, generally located in a benefits plan summary. A vast majority of health insurance companies exclude all or most coverage for treatment related to gender transition, such as hormones, counseling and surgery. Some language is so broad that it may deny coverage to a transgender person for treatments unrelated to transitioning.

Beginning in 2014, the Affordable Care Act will prohibit insurance companies from denying coverage on the basis of a pre-existing condition, such as a transgender medical history.

Are there laws that protect discrimination based on HIV/AIDS status?

Yes. Under the Americans with Disabilities Act (ADA), people living with HIV/AIDS are guaranteed equal opportunities in employment, housing, public accommodations, telecommunications, and transportation. The ADA applies to all local and state governments, departments, and agencies. The ADA protects people who have or are perceived to have HIV/AIDS, as well as individuals discriminated against because they associate or have a relationship with someone who have HIV/AIDS.

Protections in employment: Under the ADA, private employers with 15 or more employees and all public employers cannot discriminate against applicants, candidates, or employees based on HIV/AIDS status, as long as they are qualified and able to perform the essential functions of the job. An employer is legally obligated to provide a reasonable accommodation to help you perform the essential functions of the position. You are not required to disclose your status, however, you can be asked to pass a medical examination if it is required for all employees in similar positions, and medical records may be requested to confirm a disability if an accommodation is requested. Employers are also required to keep your HIV/AIDS status confidential.

Protections public accommodations: Under the ADA, people with HIV/AIDS must be given equal opportunities and access to use or enjoy a public

accommodation's services or goods. Medical professionals cannot refuse to provide care to patients because they have HIV/AIDS.

Protections in housing: Under the Fair Housing Act (FHA), you cannot be denied the rental, sale, or lease of most apartments and houses based on your HIV/AIDS status – exceptions apply to owner-occupied buildings with four or fewer units, and the sale of a single-family home without real estate agents. People living with HIV/AIDS cannot be refused or denied entry into housing programs that receive federal financial assistance, or any state or local housing program.

RESOURCES

The Gay & Lesbian Medical Association's Provider Directory can assist in your search for health care professionals who are welcoming to LGBT patients. You can access the directory at www.glma.org.

For health care related concerns and complaints, call:

- American Hospital Association
312-422-3000 or **1-800-424-4301**
- Lambda Legal Help Desk
1-866-542-8336 or **312-663-4413**

