



Gay and Lesbian Medical Association

Non-Discrimination Guidelines for Hospitals

Non-Discrimination Policy

By implementing a non-discrimination policy that applies to all areas of its operations, a hospital can demonstrate its commitment to providing equal treatment and care for all persons, regardless of sexual orientation, gender identity or expression, marital status, or other non-medically relevant factors. Such policies create a safe space in which all patients feel safe and comfortable receiving treatment.

Many state and local governments require public entities to implement non-discrimination policies addressing sexual orientation and gender identity. The Gay and Lesbian Medical Association recommends that a hospital's legal counsel review and analyze all applicable state and local laws, regulations and ordinances to ensure full compliance. In applying any non-discrimination policy as it relates to GLBT patients, a hospital should assess its entire operations to ensure that all hospital-related entities adhere to the policy.

We recommend incorporating the following language into a hospital's non-discrimination policy:

[Hospital] does not discriminate against any person on the basis of sexual orientation, gender identity or expression, marital status, or other non-medically relevant factors. This applies to admission, treatment, discharge, or other participation in any of [Hospital's] programs, services or activities including, but not limited to:

- *All patient admissions;*
- *All care, whether inpatient, outpatient or emergency in nature;*
- *All patients' room, floor or section assignments or transfers, except in those cases where patient safety or health condition is a necessary consideration; and*
- *Employee assignments to patient services.*

[Hospital] will not refer patients at discharge to those hospital-related entities which are known by the hospital to be in violation of any applicable federal, state and local non-discrimination laws.

[Hospital Department] is designated to monitor compliance with this policy, to institute a grievance procedure, and to investigate

allegations of non-compliance involving employees or applicants for employment and taking action as needed as a result of any such investigation. Questions concerning this policy as they relate to employees or applications for employment should be directed to the [Hospital Department].

Patient Bill of Rights

In addition to a hospital's non-discrimination policy, the hospital should maintain a patient's bill of rights that details the rights and responsibilities of each patient. This demonstrates the hospital's commitment to providing quality medical care and respecting each patient's personal dignity.

We recommend that that a hospital include the following language in its patient bill of rights:

The following rights apply to all patients and include the parents, legal representatives and/or family of these patients:

The patient has the right to competent, considerate and respectful care in a safe setting that fosters the patient's comfort and dignity and is free from all forms of abuse and harassment, including abuse or harassment based on sexual orientation, gender identity or expression, marital status, or other non-medically relevant factors.

Use of the Word "Family"

Many GLBT patients face discriminatory treatment with respect to who is permitted to make decisions on the patient's behalf or who is permitted visitation rights. We recommend that hospitals adopt within their non-discrimination policies and patient's bill of rights the definition of "family" used by the Joint Commission, which is any

person(s) who plays a significant role in an individual's life. This may include a person(s) not legally related to the individual. This person(s) is often referred to as a surrogate decision maker if authorized to make care decisions for the individual should he or she lose decision-making capacity.

Training

In addition to adding language protecting GLBT patients to a hospital's non-discrimination policy and patient's bill of rights, the hospital should conduct regular training on issues of discrimination in the hospital setting. These training sessions should be directed at both professional and non-professional hospital staff. The hospital should focus topics depending upon the audience, addressing both workplace nondiscrimination and the experience of patients.