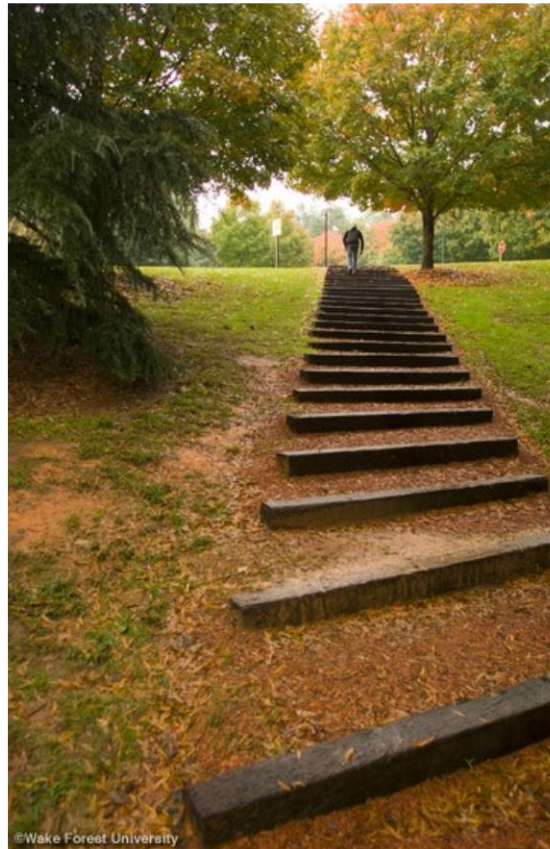


Healthy LGBTQ Aging

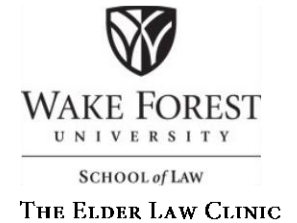
Strategies for Success



**Craig Jenkins
Liipfert & Walker LLP**
Attorneys at Law



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Funded in part by a grant
from the N.C. Society of
Health Care Attorneys

Our audience

- * Health care workers
- * Elder Law Clinic students/ other students
- * Educators and lawyers
- * Members of Parkway UCC
- * OUTLaw volunteers
- * Adam Foundation board members and volunteers
- * Government and social service agencies
- * Facebook and Twitter connections of the above
- * Other?

Legal Tools in Health Care Settings


Kate Mewhinney, J.D. – WFU School of Law
Managing Attorney, Elder Law Clinic


Funded in part by a grant from the N.C. Society of Health Care Attorneys



Common Challenges

- * Stigma and discrimination
- * Violence and rejection by families/communities
- * Inequality in workplace and health insurance
- * 2/3 report that they have experienced hostility, been bullied or, in other ways, made to feel unwelcome. LGBT are at higher risk of depression and suicidal ideation.

- 
- * Older LGBT have faced a lifetime of discrimination.
 - * Education tool: “Gen Silent” film
 - * Failure to be “out” can make them unlikely to provide full disclosure of medical information.
 - * This isn’t good for health – mental or physical.


- 
- * High rates of poverty among the gay and transgendered community, especially among lesbian couples.
 - * Lack of access to health insurance, which is often obtained as a spousal benefit.
 - * Rural areas are particularly harsh for LGBT people, especially teens.



- * Lesbian women

- * Less likely to be insured
- * Less likely to use preventive health services
- * Higher risk for cervical cancer
 - * 87% lower odds of ever having had a Pap test*
- * Higher rates of obesity and smoking

Promoting Cervical Cancer Screening Among Lesbians and Bisexual Women, The Fenway Institute; *Charlton BM, J Adolesc Health. 2011




* In one survey of LGBT older adults aged 60-75, 40% said their health care provider was not aware of their sexual orientation.

2014 Harris poll, www.sageusa.org

Patient Rights You Should Know

- * Some rights apply to **all** patients. Particularly important for the LGBT patient is the right to make **an advance medical directive**:
 - Health care POA, to choose a surrogate;
 - Living will, to state preferences at end-of-life.

Free today or at Kate B. Reynolds Hospice

- 
- * **HIPAA Release**, so partner, spouse or children can see your private medical records.
 - * It doesn't give decision-making authority.
 - * Sample on WFU Elder Law Clinic site in the “Basic NC Resources” section.
 - * Send it to Medical Records Dept. at each provider and give a copy to the people you selected.

Health care decisions for minors



Authorization To Consent to Health Care for Minor

- * This form must be signed, in front of a notary public, by the custodial parent having sole or joint legal custody.
- * It allows the “agent” to make decisions for a minor child who is not yet 18 and has not become emancipated. N.C. General Statute 32A-29.

The parent who is ill or dying

- * The parent can choose who will take care of their minor children when they are no longer able to.
- * It's for when the sick parent wants someone **other than the child's other parent** to care for their child.
- * Ask the court to appoint “standby guardian” (friend, relative, etc) so both of you can act together.
- * Begins when you specify or when you're not able to care for child, or you die.

Insurance Coverage and the Affordable Care Act (ACA)

- * Insurance companies may not discriminate against people with pre-existing conditions such as cancer and HIV. Nor may they charge more or deny coverage.
- * Now, people living with HIV can get health coverage that includes their treatment plan, and being transgender will no longer be considered a pre-existing condition.

Protections for transgender patients

- * Health care providers and hospitals are **prohibited from discriminating based on sex, which extends to transgender individuals.** (ACA Sec. 1557)

[2015 federal court decision in Rumble v Fairview Health Services.]

Half of HIV positive people are 50 and older

Legal Issues for People with HIV



Duke Legal Project
A program of Duke Law School

Box 90360
Durham, NC 27708-0360
(919) 613-7169
(888) 600-7274

- HIV positive status does not automatically qualify a person for Soc. Sec. disability, SSI or Medicaid.
- Medicare: Out of pocket costs under the AIDS Drug Assistance Program (ADAP) will count towards the “donut hole.”

Hospital policies

Patients may have visitors, with no restriction based on sexual orientation or gender identity. Can be domestic partner, including same sex partner.

What's with Winston-Salem?

- * **Neither** of the two medical centers is a “Leader” on the Healthcare Equality Index (HEI) of the Human Rights Campaign.
- * **Criteria:**
 - * Patient non-discrimination
 - * Equal visitation
 - * Employment non-discrimination
 - * Training in LGBT Patient-Centered Care

Nursing home policies

- * All visitors have full and equal visitation privileges, consistent with the resident's wishes, and within the reasonable restrictions for residents' safety.
- * Residents can have visitors on a 24-hour basis, who could include, but aren't limited to:
 - spouses (**including same-sex spouses**),
 - domestic partners (**including same-sex domestic partners**), other family members, or
 - friends.

Protection for LGBT health workers

- * Individuals who believe they have been discriminated against because of their sexual orientation have a right to file a charge with the EEOC* under Title VII, the federal job discrimination law.
- * These are investigated as claims of sex discrimination.


* Equal Employment Opportunity Commission

The body, at death

- * To avoid post-death conflicts between blood relatives and an LGBT partner, a person should:
 - Sign a preneed contract or cremation authorization,
 - Sign a health care POA,
 - Leave instructions in a will, or
 - Leave instructions in any written statement signed by the individual and witnessed by two adults.


Related financial steps

- * Sign a **financial power of attorney (POA)**, if your partner is reliable and trustworthy.
- * Without a POA, a court might appoint a government agency or a blood relative to handle medical and financial decisions, as guardian.

- 
- * Sign a **will**, because the default state laws leave a person's assets to the legal spouse and minor children, not to a domestic partner.
 - * Check on life insurance **beneficiary designations**.
 - * Consider a payable on death (P.O.D.) financial account.

Kate's Top Tips

- * Adapt to and accept change.
- * Use an attorney experienced in elder law.
- * Check out local resources, such as:
 - Shepherd's Center
 - Senior Financial Care
 - Senior Services
- * Use support groups, including religious settings.
- * Remember the long-term care ombudsman.

- 
- * Consider LTC insurance, if you can afford it and are in good health.
 - * In a hospital, you can complain to Patient Relations, the ombudsman, or the Joint Commission.
 - * Join or support national activist groups such as:
 - SAGE USA
 - Older Women's League (OWL)
 - AARP
 - Human Rights Campaign (HRC).

For Positive Changes in LGBT Health

Support those groups that support
the LGBTQ community!



The Adam Foundation, Inc.

Enriching our LGBT Community Since 1990!

2015 Grant Recipients:

- AIDS Care Service
- Interfaith Voice
- Interfaith W-S/ Compassionate W-S
- NC AIDS Action Network
- NIA Community Action Center
- North Star LGBT Community Center
- Positive Wellness Alliance
- Theatre Alliance
- Triad Health Project



2015 Sponsorship Recipient:

PRIDE Winston-Salem, *Rainbow Run 5K – Oct. 3rd, 2015*



The Adam Foundation, Inc.

2014 Grant Recipients

- * AIDS Care Service
- * Campaign for Southern Equality
- * Equality North Carolina
- * Equality Winston-Salem
- * Hispanic League
- * Interfaith Voice
- * Interfaith W-S/Compassionate W-S
- * Metropolitan Community Church
- * NC AIDS Action Network
- * North Star LGBT Community Center
- * Positive Wellness Alliance
- * PRIDE Winston-Salem
- * Reynolda House Museum
- * Theatre Alliance
- * Triad Health Project
- * Triad Pride Men's Chorus
- * Triad Softball League
- * WFU Health Sciences Section on Infectious Diseases
- * Youth Opportunities
- * *(PLUS.... the first LGBT endowment at the W-S Foundation!)*



***Join the Adam Foundation for our signature fundraising event, The Adam Festival!
This year's theme is casino night!***

Saturday, November 7th, 2015 | 7 p.m.
The Milton Rhodes Center for the Arts
Winston-Salem, NC

Visit **www.AdamFoundation.org** for
additional information!

Special thanks to our hosts

Parkway UCC - An Open and Affirming Church

