AT THE INTERSECTION OF HEALTH EQUITY AND THE LAW

TRANSGENDER ANGELENAS LIVING WITH HIV


JUNE 2015
Healthy People 2020 defines health equity as...

“attainment of the highest level of health for all people. Achieving health equity requires valuing everyone equally with focused and ongoing societal efforts to address avoidable inequalities, historical and contemporary injustices, and the elimination of health and health care disparities.”

Healthy People 2020 defines a health disparity as...

“a particular type of health difference that is closely linked with social, economic, and/or environmental disadvantage.”

Social determinants of health include, but are not limited to the following:

- Socioeconomic status
- Transportation
- Housing
- Access to services
- Discrimination by social grouping (e.g., race, gender, or class)
- Social or environmental stressors
EXISTING RESEARCH

What do we know about life conditions for transgender-identified and gender non-conforming individuals?

Studies suggest the following:

1. Stigma;
2. Prejudice;
3. Violence; and
4. Institutionalized discrimination (health care, housing, employment, education, and legal recognition of their gender).
What do we know about health disparities among transgender-identified and gender non-conforming individuals?

Studies suggest the following:
1. Psychological distress;
2. Suicidality;
3. Substance use and abuse;
4. Tobacco use; and
5. HIV and other STIs.
DATA COLLECTION

• Sex vs. Gender

• Identifying individuals of *gender minority* status

• Asking individuals to *self-identify* in US population health research

• Best practices for asking about *gender identity*

• Identifying practices and policies so as *not to assume* gender identity status
Gender pathways are...

- multilevel;
- sociohistorically and culturally dependent; and
- dynamically change over time.

"Counting" Transgender and Gender-Nonconforming Adults in Health Research: Recommendations from the Gender Identity in US Surveillance Group By Sari L. Reisner, Kerith J. Conron, Scout, Kellan Baker, Jody L. Herman, Emilia Lombardi, Emily A. Greytak, Alison M. Gill, and Alicia K. Matthews

See http://williamsinstitute.law.ucla.edu/research/transgender-issues/making-transgender-count/#sthash.b0PLxEDy.dpuf
HIV CRIMINALIZATION

• Use of HIV-specific and general criminal laws to specifically target PLWH.

• Prosecution of PLWH based on outdated and erroneous beliefs or understanding about HIV.

• Used in addition to public health laws.

• Laws do not require transmission of HIV.

• Provides harsher penalties for PLWH.
Unprotected sexual activity by one who knows self to be infected by HIV; non-disclosure of HIV-positive status; specific intent to infect the other person with HIV.

Enacted in 1998 with no published criminal cases. Traditional legal research and FOIA requests indicate there have been 2 convictions under this statute.

Punishment: Felony punishable by imprisonment in the state prison for three, five, or eight years
• Sentence enhancement for previous conviction for solicitation and positive HIV test result.

• Enacted in 1988 and 2 published criminal cases.

• Punishment: Felony (16 months, 2 or 3 years)
Core research questions:

1. Do PLWH in Los Angeles County have legal needs?

2. If PLWH in Los Angeles County have legal needs, are they being met?

3. What are the barriers to addressing the identified legal needs?

4. What is the link between the identified legal needs and health/health care access?

The study sample focused on particularly vulnerable populations of people living with HIV ("PLWH").

Respondents were **low-income** and included a greater number of cisgender women, **transgender women**, **Black-identified** and heterosexual or straight-identified individuals.

<table>
<thead>
<tr>
<th></th>
<th>LeAN Survey</th>
<th>PLWH in LAC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cis-Male</td>
<td>69%</td>
<td>89%</td>
</tr>
<tr>
<td>Cis-Female</td>
<td>21%</td>
<td>10%</td>
</tr>
<tr>
<td>Transgender</td>
<td>9%</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40-49</td>
<td>29%</td>
<td>32%</td>
</tr>
<tr>
<td>40 or older</td>
<td>82%</td>
<td>75%</td>
</tr>
<tr>
<td><strong>Race/ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Latino</td>
<td>44%</td>
<td>41%</td>
</tr>
<tr>
<td>Black</td>
<td>37%</td>
<td>20%</td>
</tr>
<tr>
<td>White</td>
<td>17%</td>
<td>33%</td>
</tr>
<tr>
<td>AI/AN</td>
<td>6%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>A/PI</td>
<td>1.6%</td>
<td>3%</td>
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<tr>
<td><strong>Sexual Orientation/Mode of Transmission</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Straight/Heterosexual</td>
<td>35%</td>
<td>10%</td>
</tr>
<tr>
<td>GBM/MSM</td>
<td>55%</td>
<td>77%</td>
</tr>
<tr>
<td><strong>Living with AIDS diagnosis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>48%</td>
<td>58%</td>
</tr>
</tbody>
</table>
Respondents reported residing in **111** unique zip codes spread across L.A. County.

Most represented areas were:

- **Metro** (43%);
- **South** (20%);
- **South Bay** (16%); and
- **San Fernando** (11%).
INCOME AND EDUCATION

50% of respondents reported household incomes of less than $10,000 per year.

78% reported household incomes under $20,000 per year.

57% of respondents reported a high school diploma or less.
Figure 1.1: Most Prevalent Legal Issue Areas Reported

- Consumer Law: 49%
- Health Care Access: 47%
- Housing: 42%
- Public Benefits: 30%
- Criminal: 28%
- Discrimination: 21%
- Immigration: 19%
HEALTHCARE ACCESS

Of the 47% of respondents who experienced challenges accessing health care...

• 55% reported not getting medical care when needed in the year prior to the survey

• 62% reported not getting medication when needed in the year prior to the survey

• 16% reported not having health insurance or health coverage at the time of the survey

• 32% experienced a lapse in health insurance/health coverage in the five-year period prior to the survey
Table 5.2: Experiences of HIV-Related Discrimination in Housing, Employment and Health Care Settings

<table>
<thead>
<tr>
<th></th>
<th>GBM</th>
<th>Cisgender Women</th>
<th>Transgender Women</th>
<th>All Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Housing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One year</td>
<td>10%</td>
<td>11%</td>
<td>3%</td>
<td>10%</td>
</tr>
<tr>
<td>Five Years</td>
<td>12%</td>
<td>12%</td>
<td>9%</td>
<td>12%</td>
</tr>
<tr>
<td><strong>Health Care</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Year</td>
<td>5%</td>
<td>4%</td>
<td>9%</td>
<td>5%</td>
</tr>
<tr>
<td>Five Years</td>
<td>11%</td>
<td>6%</td>
<td>12%</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Employment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Year</td>
<td>9%</td>
<td>6%</td>
<td>9%</td>
<td>8%</td>
</tr>
<tr>
<td>Five Years</td>
<td>17%</td>
<td>12%</td>
<td>15%</td>
<td>16%</td>
</tr>
</tbody>
</table>

31% of respondents reported experiencing HIV-related discrimination in housing, employment and/or health care settings in the 5-year period prior to the survey.
Figure 8.1: Assistance Received Among Those who Sought Help

How many looked for a lawyer or legal advisor to help with their most recent legal issue?

- Did not seek help (71%)
- Sought help (28%)
- Don't Know (1%)
- Did not find help (26%)
- Found non-legal help (17%)
- Found legal help (57%)
Respondents reported experiencing impacts on their health related to their most recent legal need.

**SELF-REPORTED HEALTH IMPACT**

- Difficulty in carrying on normal life: 70%
- Stress-related illness: 59%
- Physical ill health: 25%
- Difficulty keeping medical appointments: 19%
- Loss of income or financial difficulty: 19%
- Difficulty taking medications: 17%
ATTACKED, HARASSED AND SUBJECTED TO CRIME

Transgender women were particularly vulnerable to violent attacks (29%) and were significantly more likely to report being violently attacked than straight cis*-men (7%).

*Note: “Cisgender” or “Cis” refers to a person who identifies as the opposite of transgender. This is someone whose current gender identity is the same gender as was assigned to them at birth.
INTERACTION WITH THE CRIMINAL JUSTICE SYSTEM

41% of transgender women reported an interaction with the criminal justice system, which was significantly higher than cis-women (23%).

16% of respondents reported being incarcerated for 1 week or more in the 5-year period prior to the survey.

Among those respondents, 56% reported experiencing problems associated with their HIV-status during confinement.
Addressing disparities in HIV treatment and prevention require addressing social determinants of health.

**Legal services** can address barriers to the following:

- Access to health care
- Access to medication
- Access to safe and stable housing
- Access to sustained employment
- Access to income and other government benefits
- Access to life supports such as in-home care and other services

**Policy advocacy** requires continued visibility of the transgender community.
STRATEGIES MOVING FORWARD

• What strategies have you learned today that can address health disparities for transgender-identified and gender non-conforming individuals?

• How can your work (direct service, policy and research) address barriers resulting from social determinants of health?

• What would it take to implement lasting change that addresses impacts at all levels (individual, interpersonal, organizational, community and societal) ?

• Who is missing from this discussion?
THANK YOU!

For more information, please feel free to contact:

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