



'Nothing about us without us!' **The trans community fights back**

"It's very difficult knowing that we have trans youth who are questioning if they should stay here, both in the state or stay alive. And it's happening throughout these 21 states that have these bans." – Ash Orr

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Welcome to **Code WACK!**, where we shine a light on America's callous healthcare system, how it hurts us and what we can do about it. I'm your host, **Brenda Gazzar**.

(music)

This time on **Code WACK!** Some states are making it easier for trans and non-binary individuals to get gender-affirming care, which can include medical interventions such as hormone replacement therapy or transition surgery, to help them align various aspects of their lives with their gender identity. But a record number of bans were passed last year to outlaw (or limit) such care. What kind of toll does this take on those in these communities? What policy solutions are needed to ensure they have the access to the medical care they need? To find out, we spoke to **Ash Orr**, a trans organizer from West Virginia and press relations manager for the

National Center for Transgender Equality or **NCTE**. This is the second episode in a two-part series.

Welcome back to Code WACK! Ash!

Orr: Yes, thank you so much for having me.

Q: Thanks for being here. So last year, California Senate Bill 923, the TGI Inclusive Care Act, (TGI stands for transgender, gender diverse and/or intersex) went into effect to make gender-affirming care more accessible in the state. Why is this law important and has it been effective so far?

Orr: Yes, absolutely. I really want to try to get into, too, what this bill does before I jump into, like, why it's so important. So basically, this requires Medicare plans, a PACE (Program of All-Inclusive Care for the Elderly) organization, health care service plans, and health insurers now to require evidence based cultural competency training on these issues, such as refresher courses, tracking and monitoring complaints, and publicly reporting data. So this expands cultural competency training for these types of issues, you know, surrounding gender-affirming care and this requires services service plans, ensures and medical plans to publish which providers affirm that they offer gender-affirming services within their directories. And it requires California's (Health and Human Services) to have a working group to develop quality standards for patient experience and training curriculum.

So this really adds a whole new level of just safety and transparency and education for trans individuals that are receiving gender-affirming care. And this is important because it ensures that providers are actually and meaningfully educated on these issues, educated on care and cultural competence, which is necessary for them to be a provider that trans people can trust, that they can get to safe and knowledgeable and respectful care for them, which means that they will get care. And that is monumental for our community.

This provides a place where patients can go to find out if a health care provider can give them services that they need without having to spend time and money to shop

around which as we know, causes delays, and that causes us delays getting you know accurate diagnosis, surgeries, things of that manner. It also provides a requirement – and this is huge - It provides a requirement for tracking and monitoring complaints, which is critical to holding providers accountable to standards and creating growth and improvement. So the working groups specifically include a requirement to have TGI residents and TGI-serving organization reps on the working group, *nothing about us without us*, and facilitating training and quality standards that reflect the actual needs of our community.

So this is truly a wonderful, wonderful law, I'm so thankful for it. Because again, it adds in that level of transparency. It adds security for the trans community. It makes sure that those in California who are getting gender-affirming care are able to go to a doctor who is knowledgeable in that care, that is safe and trusted and that is putting in the work to make sure that they are being as knowledgeable and up to date on our community and the care that we need as possible. So I'm very thankful for this bill and I would love to see this happening more across the country.

Wow, it sounds groundbreaking and comprehensive!

Orr: Yes. And what I talked on is truly scratching the surface. You know, I don't do a whole lot of individual state tracking. That's what our organizing policy folks are for but I do know that this was a bill that, you know, I was keeping an eye on. So yeah, what I talked about was just scratching the surface. And I do strongly encourage folks to look that up. And again, that is California Senate Bill 923 and it is a groundbreaking bill for sure.

Q: Wow, that's great. According to the Human Rights Campaign, over 35% of transgender youth live in states that have passed bans on gender-affirming care. What has been the impact of this on these youth?

Orr: That's a tough one. There's been, there's been a lot of impacts that that we have seen here on our youth. You know, we saw in 2023 alone, over 500 bills introduced that targeted LGBTQ-plus rights, and over 400 of these bills targeted the

rights of the trans community, and close to 150 of these bills specifically aimed to restrict or outright access or ban access to life saving and gender-affirming care for youth, which in some cases was as old as 25. We now have 21 states that have passed bans on gender-affirming care and these bans include substantial financial and professional penalties for the providers that do provide this necessary care to patients and some even codified allowing your child to receive this care as being a form of child abuse.

Sorry, this is just really difficult to see and to talk about what we have happening here. The banning of this care is consistent with attempts to restrict reproductive care access and to live in our bodily autonomy, and it is directly impacting the mental and emotional well being of trans youth, of their guardians and their parents, of the trans community as a whole. It's impacting our allies. It's impacting medical care providers. I'm here in a state that has passed a gender affirming care ban. While we have a small loophole for trans youth to obtain that care, it is still a ban. And I have friends who are medical care providers here for gender affirming care and it has been really difficult. It's been difficult to watch them fear for their lives, as they provide this care for their patients. It's been very difficult to get phone calls from parents asking me what to do to keep their kids safe.

It's very difficult knowing that we have trans youth who are questioning if they should stay here, both in the state or stay alive. And it's happening throughout these 21 states that have these bans. The very real reality is this is impacting folks on multiple levels and it's primarily targeting our trans youth who are already so vulnerable. I'm just sad that this is where we are. You know, the reality is this legislation that we are seeing is based on fear mongering and misinformation and it's to exploit the public's relative unfamiliarity with the trans community and our rights. That's unfortunately where we are right now.

I see. Thank you for speaking to that, and I imagine that it's not as easy as just going to California for a week because a lot of care needs regular attention, right, regular doctor's visits, regular monitoring.

Orr: For sure, you know, the reality is, too, is a lot of these states that have passed these bans, a lot of these states have low income communities, you know, again, like here, especially in Appalachia, we are a very low income region. And folks do not have the monetary freedom or even the transportation to cross state lines to get gender-affirming care and that's where things such as mutual aid really come into play is because (in) our community, we step up to keep each other safe. But that is like I mean, people can't just up and leave to fly across the country for a doctor's appointment, and then come home and then do it again. See, unfortunately, if you are, which a lot of trans folks are, living in poverty or living in states that are low income, or with poor transportation and poor health care, you can't get out sometimes. And that's what's so frightening is, it's just not as easy as hopping on a plane, I wish it was, I wish we could just get our health care where we live. But unfortunately, that is not the reality we live in right now in some of our states.

Q: And you mentioned that some medical care providers are fearing for their lives. Do you know of providers who have been threatened, and also do you know some that are performing gender-affirming care, even against the ban in their state?

Orr: Here in West Virginia, we have had health care providers being threatened and I'm not talking about like people trying to get them fired, I am talking about direct threats on their lives and on their children's lives and on their spouses lives. There have been deliberate attempts at getting these individuals fired. There have been deliberate attempts at getting gender-affirming healthcare clinics shut down here. We are also seeing those of us who are activists and organizers who are openly trans and who are on the ground, working alongside these healthcare providers and working alongside other organizations here in the state. We're getting threats. We get, I will be honest, I get at least one thread a week. It's something that I have just learned to accept.

That's awful. I'm so sorry.

Orr: It's not great. But I want to keep my community safe and I have the privilege to have a wonderful spouse, a wonderful support system, and a wonderful place to

work to where I can keep doing the work that I'm doing. But it does weigh on you. It 100% weighs on you. And it's weighing on our healthcare providers, it's weighing on our gender affirming care clinics, it's weighing on the trans people who exist in these regions. But I will say that there are individuals in these states with bans who are finding ways legally to continue to provide gender-affirming care. And for that, I'm very thankful because they are putting themselves at risk. But they know that their job is to keep their community members safe and to provide this life saving care and for that some of these folks truly are my heroes. We take it a day at a time and again, we know at the end of the day, what we are doing is keeping our community safe and that's what we're here to do.

Wow. So to make sure I understand this. There's a ban in West Virginia on gender affirming care. Is that right?

Orr: So we have a ban but we managed – it was a lot of work and I am so thankful we pulled it off – but we did manage to get an amendment and towards the end of session last session that provides essentially a small loophole. So while it is a ban, it's not a total ban. I can't remember all the details, but you are still able to access gender-affirming care here. If you are a youth, there's just one or two extra steps. So while this is a ban, in terms of where we were before this bill was introduced, it is not a total ban.

Now, unfortunately, I will be shocked as we head into session next month. I will be shocked if we do not see a bill introduced to do an outright ban or to bump up the age in which the bans take place. You know, that's something that we're expecting to see, honestly, across the country. You know, we're going to see a lot of what we saw last year in the legislative cycle, we think. So yeah, here in West Virginia, there is a ban, but it's not a total ban. There are still ways for you to obtain gender-affirming care. Now, there are some states that with these bans, that they are total, total bans and it's just a shame that that is unfortunately where we are.

Q: So the ban that you're talking about is specifically related to youth having gender-affirming care? But there was an amendment that included a loophole that allows it to happen in West Virginia?

Orr: Correct. How the bill was introduced and how the bill was introduced originally, was going to be a total, total ban and we did manage to get any loophole thanks to WVU Medicine, Planned Parenthood, and Women's Health Center. And other organizers like myself, we were really able to do a lot of groundwork with some of these I elected officials to get this amendment in. You know, it's not perfect, if it was perfectly would even have this ban to begin with. But we were able to mitigate the harm slightly and still keep some of our clinics open and still make sure that folks have a way to obtain gender-affirming care.

Q: Got it. So what about adults? So does the ban affect them at all?

Orr: It does not. And that kind of leads me into, you know, what we are expecting to see, you know, in the next legislative cycle, both here in West Virginia and across the country. You know, we are expecting to see another attempt at banning gender-affirming care and bumping up that age. You know, we've already seen like I mentioned earlier, some of these bans go all the way up to age 25. And we do expect more of the same to occur. This upcoming session, we have seen across the country states trying to introduce full on gender-affirming care bans for all ages. We expect to see that.

We expect to see another attempt at banning sports at these parents rights bills, that banning traditional aid health care for minors and states that haven't passed them yet. And these are just going to be more attempts to undermine the otherwise growing support of the trans community and that's the thing too, is more Americans are becoming familiar with the trans community. But sadly, with this progress comes backlash, the more Americans are beginning to be familiar with our community and that familiarity counteracts these tactics that are being utilized by extremist politicians in order to score these easy political points.

So we do expect more of the same in 2024. We are expecting to see an expansion too of the bills that have already passed and unfortunately, it's kind of also a hurry up and wait to see because this is an election year. You know in 2023, so we saw over 500 bills introduced that went against the LGBTQ plus community. And that

was a record breaking high. And we're wondering, are we going to see that in 2024? Where we see another record breaking year? Or are they maybe going to try to play it safe with this expansion of bills they've already passed, because it is an election year, and they want to try to re-secure their elections. We just don't know what's coming. And that we can spot patterns. So we just, you know, no one knows what's coming. And that is what is unfortunately very frightening as well.

Q: Got it. So what policy solutions would help transgender individuals get the care that they need?

Orr: Yeah, absolutely. So you know, something that we would like to see more of. We are wanting to see expansions on good bills that we have seen passed. We are hoping for effective shield laws in states that don't already have them. We want expansions of funding for community clinics that offer gender affirming care and other similar services. We are hoping to see you know changes to birth certificate policies. So what that would do is essentially make it easier to update information including updating the parents' name on the child birth certificate. We are hoping to see an expansion of the Affordable Care Act benchmark plans to include more gender-affirming related health care, as well as an expansion of Medicaid to cover more gender-affirming health care. So that is what we would love to see happen. You know, we are also wanting to see more politicians being trans inclusive, and you know, moving away from attacking the trans community for a minute. We would definitely appreciate that. But I think you know, in terms of policies, those expansions that I mentioned is something that we really would like to see happening for our community.

Q: Makes sense. So what are your thoughts on guaranteed universal health care that everybody would have, regardless of where they live? What would that mean for the transgender community?

Orr: I, personally, am a very firm believer in universal health care. You know, again, I come from a place where we have a healthcare desert. We have a very low amount of individuals who are insured, and that's excluding the trans community. But then if we go back to that USTS data where we see that trans people are

disproportionately impacted by being uninsured, having universal health care would allow for the trans community to get the health care that they need. We could go to the doctor. We could go get a checkup. We could get our prescriptions. And not only would it help the trans community would help other marginalized communities as well. So personally, I'm a big firm believer in universal health care and it should not be a struggle, and you should not have to go broke to get a simple prescription or to get a checkup. Health care is something that should not be a privilege. It should be a right for everybody who lives in this country. And again, it would truly help trans and other marginalized communities, especially those who live in rural areas, obtain the health care that they need.

Thank you Ash Orr of the National Center for Transgender Equality.

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