# **US Federal Agency activity on LGBTI Health and Welfare**

2009 to 2016

GNC MILESTONES

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| The current legal and medical status of gender non-conforming individuals in the US is primarily the result of coordinated Federal agency initiatives that began in 2009. These have been accomplished in cooperation with a domestic network of non-governmental organizations that assist in developing, promoting, and implementing these policies in society.  Their efforts have established the foundation of protections, policies and entitlements that are conveyed to gender non-conforming children and adolescents (GNC) upon their declaration of a non-conforming gender identity. This identification also entails a protected class status with specific access, recognition and accommodation rights under Title IX & Title VII, the Affordable Care Act (ACA), and [potentially the Americans with Disabilities Act](https://www.scotusblog.com/case-files/cases/r-g-g-r-harris-funeral-homes-inc-v-equal-opportunity-employment-commission/).  The prominence of healthcare concerns in these LGBTI policies and rulemaking has caused the GNC designation to be conflated with Gender Dysphoria (GD), though gender non-conformity is not a disorder. This brief has been prepared to elucidate significant Federal agency activities that establish the legal and medical treatment of GNC  The table below highlights key milestones in the evolution of contemporary law and policy that affect gender non-conforming minors and their families, **as well as the** educational and clinical **contexts they may interact with.** | | | | |
|  | Pediatric endocrine therapy [begins at GeMS in 2007](http://www.childrenshospital.org/centers-and-services/programs/f-_-n/gender-management-service) & HRC releases | | | |
| 2009 | The NIH commissions the [IOM](http://www.ihi.org/resources/Pages/OtherWebsites/TheInstituteofMedicine.aspx) for a thorough LGBT [health research survey and gap analysis](https://www.ncbi.nlm.nih.gov/books/NBK64795/) | | | |
|  | | | [*Gender Identity introduced*](https://www.ncbi.nlm.nih.gov/books/NBK64801/) as a working definition. | |
| 2010 | Enabling [Pres.Obama’s request to HHS](https://obamawhitehouse.archives.gov/the-press-office/presidential-memorandum-hospital-visitation) for plans to improve LGBT health and wellbeing.  Which are facilitated by enhancing [Title IX,, ADA,](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf)1 and [Section 504](https://www.dol.gov/agencies/oasam/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973) rights and protections for LGBT citizens. | | | |
|  | | | | 1 recognizes *Gender Identity* as self-identification independent of sexuality |
| 2011 | Secretary Kathleen Sebelius [proposes a slate of directives and new charters](https://www.hhs.gov/programs/topic-sites/lgbt/enhanced-resources/reports/health-objectives-2011/index.html) in response. Soon after, the OCR adduces *gender*, independent of sex, as a basis for[sexual harassment and sexual violence](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf) actions, | | | |
| 2012 | [offices](https://www.hhs.gov/sites/default/files/lgbt-health-update-2011.pdf?language=es) were [established in **2012**](https://www.hhs.gov/programs/topic-sites/lgbt/enhanced-resources/reports/health-objectives-2012/index.html) and [began issuing grants](https://www.hhs.gov/programs/topic-sites/lgbt/enhanced-resources/reports/health-objectives-2013/index.html) [with the advice of Trans COE](https://prevention.ucsf.edu/transhealth) | | | |
| 2013 | Issuing a [Specific Health Issues RFI](https://grants.nih.gov/grants/guide/notice-files/NOT-OD-13-076.html) to prepare a foundation for the 2016-20 program strategy, lead by the to be complemented by [the OCR](https://www.govinfo.gov/app/details/FR-2013-08-01/2013-18707)’s work on ACA integration | | | |
| 2014 | [Which were refined](https://www.hhs.gov/sites/default/files/lgbt/resources/reports/dhhs-lgbt2014annualreport.pdf) and [extended](https://grants.nih.gov/grants/guide/notice-files/NOT-HD-13-019.html) by HHS offices, and service [providers](https://endocrinenews.endocrine.org/feb-2014-nihs-lgbti-research/) | | | |
| 2015 | [Reinforced in **2015**](https://www.hhs.gov/programs/topic-sites/lgbt/reports/health-objectives-2015.html), [in preparation](https://store.samhsa.gov/product/Ending-Conversion-Therapy-Supporting-and-Affirming-LGBTQ-Youth/SMA15-4928) for codification, and released as a [rules proposal by the HHS](https://www.govinfo.gov/app/details/FR-2015-09-08/2015-22043/summary) | | | |
|  | | NIH impact study starts (end 2020): [THE IMPACT OF EARLY MEDICAL TREATMENT IN TRANSGENDER YOUTH](https://www.newswise.com/articles/nih-funds-first-ever-multi-site-study-of-transgender-youth-in-the-us-with-a-5-7-million-award) | | |
| 2016 | And legally [recognized in **2016**](https://www.govinfo.gov/content/pkg/FR-2016-05-18/pdf/2016-11458.pdf) as possessing substantive rights, backed up by [agency priority](https://www.nimhd.nih.gov/about/directors-corner/messages/message_10-06-16.html) and [planning](https://www.edi.nih.gov/sites/default/files/EDI_Public_files/sgm-strategic-plan.pdf) | | | |

**Notes:**

The current US Federal definition, identification, legal status, and civil rights recognition of gender non-conforming children and adolescents is largely the result of Federal HHS initiatives commmenced during the Obama administration. Those began in 2009 within the NIH, became an agency-wide directive in 2012, and gained formal civil rights protections in [2016 with rule making by the OCR](https://www.govinfo.gov/#advanced?ash=%7B%22collections%22:%5B%22CFR%22%5D,%22date%22:%7B%22t%22:%22DA%22,%22dateFrom%22:%2201-01-2016%22%7D,%22fields%22:%5B%7B%22f%22:%22cfrtitlenum%22,%22v%22:%2245%22,%22p%22:0%7D,%7B%22f%22:%22cfrpartnum%22,%22v%22:%2292%22,%22p%22:3%7D%5D%7D).

While the broader set of initiatives and policies from that period were well warranted and have been beneficial to both public and personal welfare, and the competency of healthcare providers, they have also produced unintended consequences. Because they have made the *gender identity* of children and adolescents the significant dimension of their medical identification and its interpretation under civil rights and disability law .

Modification: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.pdf>