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**National Coalition for LGBT Health Welcomes Release of
Final Rule on Hospital Visitation**

Washington, DC – On November 17, 2010, the Centers for Medicare and Medicaid Services (CMS) at the Department of Health and Human Services (HHS) released a final rule governing nondiscrimination in hospital visitation. This new rule protects the right of all patients to designate and receive the visitors of their choice, including a same-sex spouse or a domestic partner, and requires the more than 6,000 hospitals participating in the Medicare and Medicaid programs to not discriminate in visitation rights on the basis of sexual orientation, gender identity, and other factors.

Hutson W. Inniss, Interim Executive Director of the Coalition, stated, “I am pleased to see HHS take a leading role in ensuring equal rights surrounding hospital visitation for lesbian, gay, bisexual, and transgender people. While we still have a long way to go toward ensuring that all members of the LGBT community are fully and consistently protected from discrimination in health care settings, these new hospital visitation protections are a significant federal recognition of the validity of LGBT people’s lives and relationships.”

The final rule incorporates numerous suggestions made by the Coalition and its partner organizations during the period of public comment on the draft rule. For example,

- We were concerned that language requiring all visitors designated by the patient to be subject to restrictions “that are no more restrictive than those that immediate family members would enjoy” would unintentionally create a hierarchy of family relationships in which some family members, such as domestic partners, same-sex spouses, or same-sex parents of minor children, may not be considered “immediate.” In response, CMS amended the language to read, “Ensure that all visitors enjoy full and equal visitation privileges consistent with patient preferences.”
- We believe that verbal confirmation of a family relationship recognized under the law of any state should suffice for a patient to designate a chosen support person. In response, CMS affirmed that “an oral designation of a support person (formerly known as a “representative”) is sufficient for establishing the individual who may exercise the patient’s visitation rights on his or her behalf, should the patient be unable to do so.”
- In response to a question from CMS in the draft rule, we expressed our belief that the new hospital visitation regulations must be included in each hospital’s written policies in order to be maximally effective. The final rule explicitly requires this.

The Coalition and its partners will continue to monitor developments on matters of concern that were not addressed by CMS in the final rule, including the cultural competency training necessary to support these new regulations, the potential application of these regulations to other facilities such as nursing homes, and the expansion of LGBT nondiscrimination protections beyond visitation to include issues such as access to healthcare services and designation of legal patient representatives.

The announcement of the new hospital visitation regulations responds to President Obama's April 15, 2010 memorandum directing HHS to establish visitation nondiscrimination standards for hospitals participating in Medicare and Medicaid. A second part of that memorandum requested that HHS provide additional recommendations aimed at ensuring that all LGBT people are able to fully participate in and equally benefit from federally supported health programs. The Coalition looks forward to working with HHS to implement additional initiatives to protect and promote the health of the LGBT community.

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