

Rumble v. Fairview Health Services – Court Opinion on Transgender Discrimination Important for Health Care Groups



In June of 2013, a patient checked into a hospital emergency department with complaints that his reproductive organs were causing him extreme pain. The patient identifies as a male, but was given a hospital identification bracelet stating that he was female due to his existing medical records and genitals. Following his hospital stay, the patient filed a lawsuit against the hospital alleging that due to his transgender status, he was discriminated against when seeking emergency care. On March 16, 2015, the U.S. District Court for the District of Minnesota refused to dismiss the patient's complaint. **Alleged Discrimination by Hospital** The patient alleges that when he sought emergency services for his genital pain, he had to wait for a physician for more than five hours – an unusual amount of time. What's more, he also claims that the treating physician attended to him in a "hostile and aggressive" manner. The court agreed that the behavior on the part of the health care provider resulted in the denial of the patient's right to appropriate medical care. **Hospital Directly Liable Under Section 1557 of the Patient Protection and Affordable Care Act** Section 1557 of the Patient Protection and Affordable Care Act prohibits gender discrimination in health care, and is the first law of its kind. As such, the hospital may be held directly liable for its improper treatment of the patient. This case is the first to consider health care discrimination based on a person's transgender status. The decision by the U.S. District Court Judge has been called "historic" in terms of its civil rights significance.

Policies and Procedures Need Updating While this case is still early in litigation—the next phase will be case discovery—the outcome of the case will set a precedent in regards to transgender discrimination and healthcare and hospital policies. In light of the new Section 1557 provisions, many health care providers' policies and procedures regarding transgender persons need to be updated. In addition to updating health care provider policies, training of staff is also a necessity. One part of training that may be critical is sensitivity training. **This Case is Just the Beginning** It's not unlikely that this case will encourage other transgender persons who have been discriminated against to come forward and bring claims against health care providers and hospitals. Currently, transgender persons may be afraid to seek health care due to discrimination. Implementation of new policies and better training will alleviate these concerns and enable health care providers to better serve and treat all their patients, regardless of gender identity. Seigfreid Bingham's Health Care lawyers can help you create the policies needed to

treat today's diverse population. [Contact us today](#) to learn more. Image: Thinkstock/RyanMcVay *This article is very general in nature and does not constitute legal advice. Readers with legal questions should consult with an attorney prior to making any legal decisions.