

## DURING COVID-19

**Are you concerned about accessing health care without discrimination?**

- **Washington Law Against Discrimination - [Chapter 49.60 RCW; WAC 162-32-040](#)**
  - Prohibits discrimination and harassment based on sexual orientation and “gender expression or identity” in health insurance coverage and in places of public accommodation, which includes hospitals and other healthcare facilities. Harassment includes asking unwelcome personal questions about gender identity and deliberately misusing an individual’s preferred name or pronoun.
- **Your rights at the hospital and other medical facilities.**
  - **Discrimination is illegal:** A hospital or medical care provider cannot turn you away because of your sexual orientation or gender identity, and must treat you, your name and pronouns, and your relationships with respect. If you feel that you have been discriminated against for these reasons, you have several options:
    - Ask to speak to the Charge Nurse, Unit Manager, Physician, or Patient Relations;
    - File a complaint with the hospital/clinic’s internal Patient Relations;
    - File a complaint with the [Washington State Human Rights Commission](#);
    - [File a complaint with the Washington Medical Quality Assurance Commission](#); and/or
    - Contact the QLaw Foundation (206-235-7235), Lambda Legal (866-642-4542), or the Lavender Rights Project (206-639-7955).
  - **Medical Records Requests:** You have the right to access your medical records and to restrict how and to whom healthcare providers may disclose your medical information. Your biological family does not have the right to access your medical records without your permission if you are 13 or older.
  - **Designating emergency contacts:** You can choose a spouse, partner, family member, or friend to be your emergency contact. Healthcare providers will share information about your medical care to this person, but this person will not have authority to make health decisions for you. This requires appointing someone as your durable power of attorney.
  - **Visitation during COVID-19:** Federal regulations require any hospital accepting Medicare and Medicaid (virtually all hospitals) to allow patients to designate who they want as visitors. **However, many hospitals are taking extra precautions due to COVID-19 and may restrict visitation and limit those who can accompany you to appointments.** Please check with your healthcare provider regarding any such changes to normal visitation policies.
    - For example, UW Hospitals and Virginia Mason Medical Center do not allow guests to visit a patient with a pending or positive COVID-19 test. There are exceptions to this policy, such as for obstetrics patients or for patients under the age of 18.
- **How to stay prepared during the COVID-19 Pandemic**
  - **Know the risks:** LGBTQ+ people have higher rates of HIV, cancer, and chronic health conditions, and use tobacco products 50% more than the general population. Therefore, LGBTQ+ people may be more susceptible to the negative health consequences of COVID-19.

- **Create a plan:** Determine which healthcare provider you would like to see now so that you have a plan if symptoms do appear. Create a list of emergency contacts to share with your family, friends, or roommates and discuss your healthcare plan if you do get sick.
  - There are several options for finding LGBTQ+ welcoming providers:
    - [GLMA directory](#)
    - [Human Rights Campaign list of Washington hospitals and medical centers](#)
    - [Ingersoll Gender Center Health Care Provider List](#)
- **What if I feel sick now?** If you feel sick with a fever, cough, or shortness of breath, stay home. Call your healthcare provider for advice before visiting in person. Most providers have telehealth options and protocol instructions online.
- **COVID-19 Testing:** If you are sick with a fever or cough and are at a higher risk for complications from severe respiratory infections, call your healthcare provider right away to discuss testing options.
- **Insurance Information:** Copays and deductibles are waived for COVID-19 testing. Check with your individual insurance company for more information. The Washington Health Benefit Exchange is open for enrollment until May 8th. For more information on COVID-19 and Washington insurance visit the [Northwest Health Law Advocates](#) COVID-19 webpage.
- **Washington COVID-19 Hotline:** The Washington Department of Health runs a COVID-19 hotline for questions about the virus, testing options, and general care: 1-800-525-0127.

*This resource was developed with the generous support of Perkins Coie attorneys. The information contained in this document is not legal advice. If you have questions about the rights outlined in this resource or have experienced health care discrimination and would like to consult with a lawyer about your situation, please make an appointment at QLaw Foundation's free LGBTQ+ Legal Clinic at [www.qlawfoundation.org](http://www qlawfoundation.org) or by calling 206-235-7235.*