White House's Anti-LGBTQ Actions Threaten Its Plan to End HIV

Trump administration wants to let health care workers deny service to people based on their religious and moral beliefs.

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Nearly one year ago, President Trump surprised the HIV advocacy community with the formal announcement of his administration's Ending the HIV Epidemic: A Plan For America during his State of the Union address. At this stage in the development of the Ending the HIV Epidemic plan, it is far too early to make any formal judgement on its success, but it does appear that many of the concerns HIV advocates had around the initiative—particularly those concerning the civil rights of LGBTQ individuals—have been substantiated by the administration's action.

On Thursday, January 16, the Department of Health and Human Services (HHS) formally announced that it would be proposing a rule that would "remove regulatory burdens on religious organizations, and ensure that religious and non-religious organizations are treated equally in HHS-supported programs." The rule, which comes on the heels of an Executive Order released by President Trump in May of 2019, rolls back a series of Obama-era policies mandating that religious HHS grantees provide some referrals to non-religious groups and post notices about their actions, policies designed to ensure LGBTQ individuals received non-discriminatory care.

When coupled with other Trump administration regulations that would grant health care workers the ability to deny individuals care based on their religious and moral beliefs and undo Obama-era regulations under Section 1557 of the Affordable Care Act protecting LGBTQ individuals from discrimination by healthcare providers, this new proposed rule fills out a suite of anti-LGBTQ actions that directly threaten the success of the Ending the HIV Epidemic initiative.

Last month, the co-chairs of the Presidential Advisory Council on AIDS (PACHA) and of PACHA's Stigma and Disparities Subcommittee penned a letter to Roger Severino, the Director of HHS's Office for Civil Rights, outlining their concerns that both the Ending the HIV Epidemic initiative and the broader health of LGBTQ individuals would be negatively impacted if civil rights protections for LGBTQ communities were not supported. In the letter, the PACHA members stressed the need to enact regulations that provide people at the greatest risk of HIV, particularly LGBTQ individuals, feel safe and comfortable accessing HIV prevention and treatment programs.

"HHS and other parts of the Administration must avoid actions that repel LGBT+ individuals from

seeking proper health care," wrote the PACHA leadership, alluding to the Trump administration's suite of regulations aimed at protecting "religious liberty" at the expense of LGBTQ civil rights. Based on their action in recent weeks, it would appear that HHS is not heeding PACHA's advice and, in doing so, confirming the skepticism of some HIV advocates who have doubted the potential efficacy of a Trump-led HIV initiative.

While the administration's Ending the HIV Epidemic plan has been met with a certain degree of optimism from many people living with and affected by HIV in the United States upon its release, that optimism is often tempered with a deep concern that the plan would be hamstrung and ultimately undone by the administration's other positions on healthcare and civil rights for LGBTQ individuals, women, people who engage in sex work, or people who use drugs, immigrants, and other marginalized communities. Yes, it was encouraging news that the Trump administration was signaling an intent to devote resources to addressing the HIV epidemic in the US, but many advocates felt a deep discomfort and mistrust, remembering the long battles they had already engaged with the Trump administration around the Affordable Care Act, Medicaid expansion, LGBTQ rights, and immigration, just to name a few.

Ultimately, the success or failure of the Ending the HIV Epidemic plan is going to hinge not solely on its own merits, but on the broader healthcare and civil rights agenda of the Trump administration. The Ending the HIV Epidemic initiative does not exist in a vacuum, regardless of how much many proponents of the plan may wish that was the case. There is no amount of funding that will get LGBTQ communities to interact in good faith with an administration that is actively trying to strip away their civil rights and prioritize the right of a medical provider to deny them care based on religious principles over their right to receive care.

AIDS United supports PACHA in their call for HHS and President Trump to stop pursuing policies that enable unsafe and stigmatizing healthcare environments for LGBTQ individuals living with or affected by HIV. Check back to the Policy Update regularly for all the latest on the Ending the HIV Epidemic initiative and the Trump administration's LGBTQ policies.

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