



NATIONAL CENTER FOR LESBIAN RIGHTS



May 22, 2012

Peter Lee, Executive Director
California Health Benefit Exchange
2535 Capitol Oaks Drive, Suite 120
Sacramento, CA 95833

Re: LGBT-Inclusive Outreach, Marketing, and Consumer Assistance for the California Health Benefits Marketplace

Dear Mr. Lee,

The undersigned organizations are pleased to offer the following comments regarding strategies for ensuring inclusion of lesbian, gay, bisexual, and transgender (LGBT) people and their families in outreach, marketing, and consumer assistance for the California health benefits marketplace. As organizations that serve our state's sizeable LGBT population in various capacities, we look forward to acting as a resource to the California Health Benefit Exchange ("HBEX" or "Exchange") and its selected contractors as we seek to implement statewide plans to help reduce the number of uninsured Californians across diverse communities.

A great deal is at stake for the LGBT community with implementation of the Affordable Care Act, which intends for state exchanges to serve those with incomes between 138 percent and 400 percent of the federal poverty level. According to research conducted by organizations such as the Williams Institute at the University of California, Los Angeles School of Law and the Center for American Progress, this income bracket is likely to include many LGBT people and their families.¹ Research such as a 2011 report from the Institute of Medicine also shows that the LGBT population is disproportionately uninsured and underinsured and experiences significant health disparities as a result.²

Pursuant to AB 1602 (John A. Pérez, Chapter 655, Statutes of 2010), California is

¹ Randy Albeda and others, "Poverty in the Lesbian, Gay, and Bisexual Community" (Los Angeles, CA: The Williams Institute, 2009), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Albeda-Badgett-Schneebaum-Gates-LGB-Poverty-Report-March-2009.pdf>; Jeff Krehely, "How to Close the LGBT Health Disparities Gap" (Washington: Center for American Progress, 2009), available at http://www.americanprogress.org/issues/2009/12/lgbt_health_disparities.html.

² Institute of Medicine, "The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding" (Washington: National Academies Press, 2011).

committed to conducting culturally competent exchange outreach and education activities and to focusing on populations that have previously experienced barriers to insurance enrollment. We support the HBEX's focus on diversity and cultural access and appreciate its recognition of the LGBT community as a vulnerable and hard-to-reach population that should be targeted for specific outreach and enrollment assistance.

Marketing, Outreach & Education

We were encouraged to see that the draft Statewide Marketing, Outreach & Education and Assistants Program Workplan for the California Health Benefits Marketplace includes proactive measures for reaching LGBT people and their families, including through community newspapers, digital media, and organizational partnerships. Event and media-based outreach to LGBT Californians will be valuable in ensuring that the Exchange-eligible segment of the population is engaged and encouraged to enroll in plans through the Exchange. We also submit the following feedback and suggestions for the HBEX to consider in its LGBT community outreach and marketing plans:

- Additional marketing research performed during the “build out” stage should include efforts to track the experiences and impressions of LGBT Californians in order to ensure that targeted outreach will be successful in encouraging enrollment through the Exchange.
- The draft plan correctly predicts the need to assess the effectiveness of outreach and marketing tactics by using data collected through the Exchange information technology (IT) enrollment system. To ensure that the Exchange is able to track the effectiveness of outreach to the LGBT demographic, confidential data on sexual orientation and gender identity should be collected through the use of Exchange IT.
- While population-targeted print and online media outreach will likely reach a large number of LGBT Californians, use of television media may also be a strategic channel to convey a message of coverage through the Exchange, particularly because of the presence of LGBT-targeted programming and networks.
- Partnership or grant programs should be inclusive of LGBT-focused service organizations, clinics, and community centers that have developed a relationship of trust in local LGBT communities, as is identified by the draft plan.
- Entertainment industry messengers, elected official influencers, and community storytellers promoting the Exchange should include LGBT celebrities, openly-LGBT elected officials and political leaders, and LGBT people of color.
- We applaud the Exchange's focus on outreach to uninsured and underinsured racial and ethnic populations, and encourage messaging and dissemination strategies that acknowledge the intersections between race, sexual orientation, and gender identity, so that messaging targeted at these groups effectively engages the diverse subpopulations of each community.

Assisters Program

We have also reviewed the draft Statewide Assisters Program Design Options and Recommendations Report. While the draft report did not include LGBT-specific strategies, we believe the HBEX can take several steps to strengthen consumer assistance for the LGBT community and offer the following recommendations:

- We encourage the HBEX to consider the adoption of Assister strategies that permit targeting specific markets and populations, and would also encourage participation of LGBT-focused community and service organizations as Assisters.
- The code of conduct for organizations and enrollment entities should include nondiscrimination guidelines inclusive of sexual orientation and gender identity, as required by HHS Final Rule released in March.
- Monitoring by Project Sponsors to ensure cultural and linguistic access should include a survey of the effectiveness of Assister program activities in serving and engaging the LGBT community.
- The Assisters training program requirement ensuring that Assisters are capable of meeting the needs of vulnerable and underserved populations should include a cultural competency training element with LGBT-inclusive curricula.

We hope this letter helps to initiate productive discussions about ways the HBEX can build upon its proposed strategies for reaching LGBT Californians in its outreach, marketing, and Assister plans. We look forward to continued communication in the coming months and are happy to provide any input on best practices for working with and addressing LGBT populations. Thank you in advance for your consideration of these recommendations. Should you have any questions or concerns, please contact Alice Kessler, Legislative Advocate, at akessler@lawpolicy.com or (916) 341-0808.

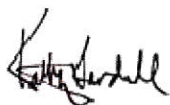
Sincerely,




Masen Davis
Executive Director
Transgender Law Center



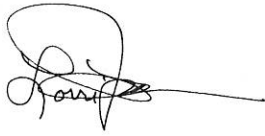
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