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## **Position Statement on Care of Community Members with Diverse Sexual Orientation and Gender Identity**

The Delaware Nurses Association (DNA) would like to publicly offer the statement that lesbian, gay, bisexual, transgender, queer, and all those captured in the inclusive (+) (LGBTQ (+)), have the right to be respected, valued, included and affirmed by a professional nurse. Deficiencies in inclusive and affirming professional conduct in a healthcare setting are root causes of disparities to the LGBTQ (+) community. Nursing has an obligation to provide advocacy and practice improvements on behalf of LGBTQ (+) patients. These actions, inherent to a healing caregiver, are in alignment with the *American Nurses Association Code of Ethics for Nurses* and are encouraged throughout the continuum of practice areas and populations influenced by professional nursing practice. Nurses have the opportunity to operationalize these values into action at all levels from the individual interactions to involvement in local, regional and national protective legislation.

“On June 12, 2020, the Office for Civil Rights of the Department of Health and Human Services issued a new final rule to dramatically revise the agency’s prior interpretation of Section 1557 of the Affordable Care Act, the law’s primary anti-discrimination provision. The final rule rewrites Obama-era regulation that was issued in 2016 and has been the source of ongoing litigation; the new rule removes protections against discrimination based on sex stereotyping and gender identity afforded by the 2016 rule” (Keith, 2020).

DNA does not support the revocation of protections for LGBTQ (+) individuals provided under Section 1557 of the Affordable Care Act. The practice of discrimination based on sexual orientation, gender identity or gender expression is not aligned with the values and conduct of a professional nurse. Our Advocacy Committee will continue advocating for legislation that protects against all forms of discrimination as our mission is to improve health for all Delawareans.

DNA celebrates the protections solidified in the realm of employment for LGBTQ (+) individuals in the Supreme Court ruling *Bostock v. Clayton County*.

DNA believes in the equitable, inclusive and affirming treatment of all patients regardless of LGBTQ (+) status. The practice of equitable care provision is not a goal for the future but a current and ongoing obligation to our community. DNA supports the actions of

nurses to achieve this necessary healthcare environment in order to achieve optimal outcomes for LGBTQ (+) patients.

### **Senate Bill No. 191**

In response to demand for reform, the Delaware Legislative Black Caucus announced a package of racial justice legislation, known as [The Justice for All Agenda](#), on June 10, 2020. The first piece of critical legislative change will be the passage of [Senate Bill 191](#). Senate Bill 191 seeks to amend the Delaware Constitution explicitly making protection against discrimination on the basis of race, color and national origin a fundamental right. Senate Bill 191 has been approved by both the Delaware House of Representatives (June 25) and Senate (June 16) and is currently awaiting the Governor's action.

The DNA, without hesitation, supports this amendment to Delaware's Constitution. We discussed the inclusion of sexual orientation and gender identity in this Delaware constitutional change with the bills' primary sponsor State Senator Darius Brown and co-sponsor Delaware Representative Melissa Minor-Brown, MSN, RN. This is aligned with DNA's position that all humans shall be treated equitably. The legislative amendment that will add discriminatory protections based on race, color and national origin is so important that the DNA shines a spotlight on this topic. We will continue conversations and have direct support from Representative Melissa Minor-Brown, regarding future amendments that will include sexual orientation and gender identity. The DNA commends the Delaware Legislative Black Caucus for bringing forth the Justice for All Agenda and offers our partnership in continued efforts.

The DNA expresses gratitude to Stacey Byam, MSN, APRN, AGCNS-BC, PCCN for drafting this position statement. Stacey is an active DNA member and advocate for LGBTQ (+) equality.

### **References**

Keith, K. (2020, June 13). HHS strips gender identity, sex stereotyping, language access protections from ACA anti-discrimination rule. HealthAffairs. Retrieved from: <https://www.healthaffairs.org/doi/10.1377/hblog20200613.671888/full/>