

LGBTQ+ Older Adults: Updates and Emerging Threats

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Webinar Logistics

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems with getting on to the webinar? Send an e-mail to trainings@justiceinaging.org.
- Find materials for this training and past trainings by searching the [Resource Library](https://justiceinaging.org/resource-library), justiceinaging.org/resource-library. A recording will be posted to [Justice in Aging's Vimeo page](#) at the conclusion of the presentation, vimeo.com/justiceinaging.
- Enable closed captioning by selecting “CC” from the Zoom control panel.



About Sage

SAGE is the world's largest and oldest organization dedicated to improving the lives of LGBTQ+ elders.

Founded in 1978 and headquartered in New York City, SAGE is a national organization that offers supportive services and consumer resources to LGBTQ+ older people and their caregivers. SAGE also advocates for public policy changes that address the needs of LGBTQ+ elders, including people aging with HIV.

<https://www.sageusa.org/>



Lambda Legal, founded in 1973, is a national legal organization working to achieve full recognition of the civil rights of LGBTQ+ people and everyone living with HIV.

Lambda Legal furthers its mission through impact litigation, education, and public policy work.

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.

Our Commitment to Justice

- We believe that to advance justice in aging, we must ensure that everyone has access to what they need as they age, without discrimination and regardless of race, gender, gender identity, sexual orientation, ability, language or country of origin.
- We push for policies that will ensure that those experiencing the greatest barriers to economic security, health care, and housing can exercise their rights and fully access the services and programs they need.

Want to receive Justice in Aging trainings and materials?

Join Our Network!

Go to justiceinaging.org and click “**Sign up**” or send an email to info@justiceinaging.org.



LGBTQ+ Older Adults

Who are LGBTQ+ Older Adults

- Approximately 2.7 million LGBTQ+ people are 50+ and 1.1 million are 65+
- Live with the legacy and impact of discrimination
 - Nearly one-third of LGBTQ+ older adults live at or below 200% of the federal poverty level
 - 30% report having a disability
 - Twice as likely as non-LGBTQ+ older adults to use Medicaid as primary source of health insurance



H.R. 1

H.R. 1 Topline Impacts

- In July 2025, H.R. 1 became law.
- Cuts to Medicaid and funding
- Shifts costs to states, forcing states to cut services, eligibility, or provider reimbursement.
- Increases barriers to accessing Medicaid coverage.
- Terminates eligibility for Medicaid, Medicare, and Marketplace tax credits for many immigrants.
- \$500 billion in cuts over a decade put Medicare's future at risk.

Medicaid Changes & Impacts

- Costs shifted to states mean pressure to cut Medicaid spending.
 - Optional spending at risk: home and community-based services; special income rule; spend down/share of cost eligibility; dental, vision, and hearing coverage
 - Enrollment at risk: eliminate expanded eligibility for Aged & Disabled and Medicare Savings Program
 - Provider payment rates at risk: Worsen shortages in direct care workforce

Home and Community Based Services (HCBS) at Risk

- Millions of older adults, including LGBTQ+ older adults, rely on HCBS
 - Avoid unnecessary institutionalization and related risks
- HCBS accounts for 51% of optional spending (and 32% overall) and is likely to be impacted by funding cuts
 - Reductions in number of people served
 - Cuts to personal care services programs and home health
 - Longer waitlists for HCBS

Medicaid Work Requirements

- Work requirements for adults under 65
 - Impacts LGBTQ+ older adults age 50-64 who are not yet Medicare eligible and do not have a disability determination
- Estimated to lead to 5.3 million uninsured as a result
- Older adults will have more difficulty navigating work requirement verification system
- Administrative burden on states impacts all Medicaid enrollees, including LGBTQ+ older adults



Gender Affirming Care

GAC Context

- A broad approach to health care and support that recognizes and respects an individual's gender identity, ensuring that all individuals can live healthy, fulfilling lives by addressing their unique needs.
- Can range from counseling, changes in social expression, medications (e.g. hormone therapy), to surgery.

GAC Policy Developments

- Executive Order 14187, signed Jan. 28, 2025
- Notices of Proposed Rulemaking (Dec. 19, 2025)
 - One would prohibit the use of federal Medicaid dollars to fund procedures for individuals under 18 in state Medicaid plans.
 - The second would revise the “Conditions of Participation” for hospitals receiving Medicare/Medicaid funding to prohibit them from performing procedures on children.
 - Comments due Feb. 17, 2026.
- Sec. Kennedy Declaration

Medicare and GAC

- Medicare should not deny coverage for health care just because the care is typically provided to persons of a specific gender.
- Gender-affirming surgeries are approved on a case-by-case basis, looking at the World Professional Association for Transgender Health (WPATH) Standards of Care.
- For more information, please visit our factsheet on [Medicare & Transgender Older Adults: What Advocates Need to Know.](#)



LGBT Long-Term Care Facility Residents' Bill of Rights and OAA

LGBT Long-Term Care Facility Residents' Bill of Rights

- History
- What does it include?
- Legal challenge
- [CA Supreme Court Decision](#)

Older Americans Act

- What is it?
- Reauthorization
- Regulatory update
- Regulatory rollback
- What can you do?



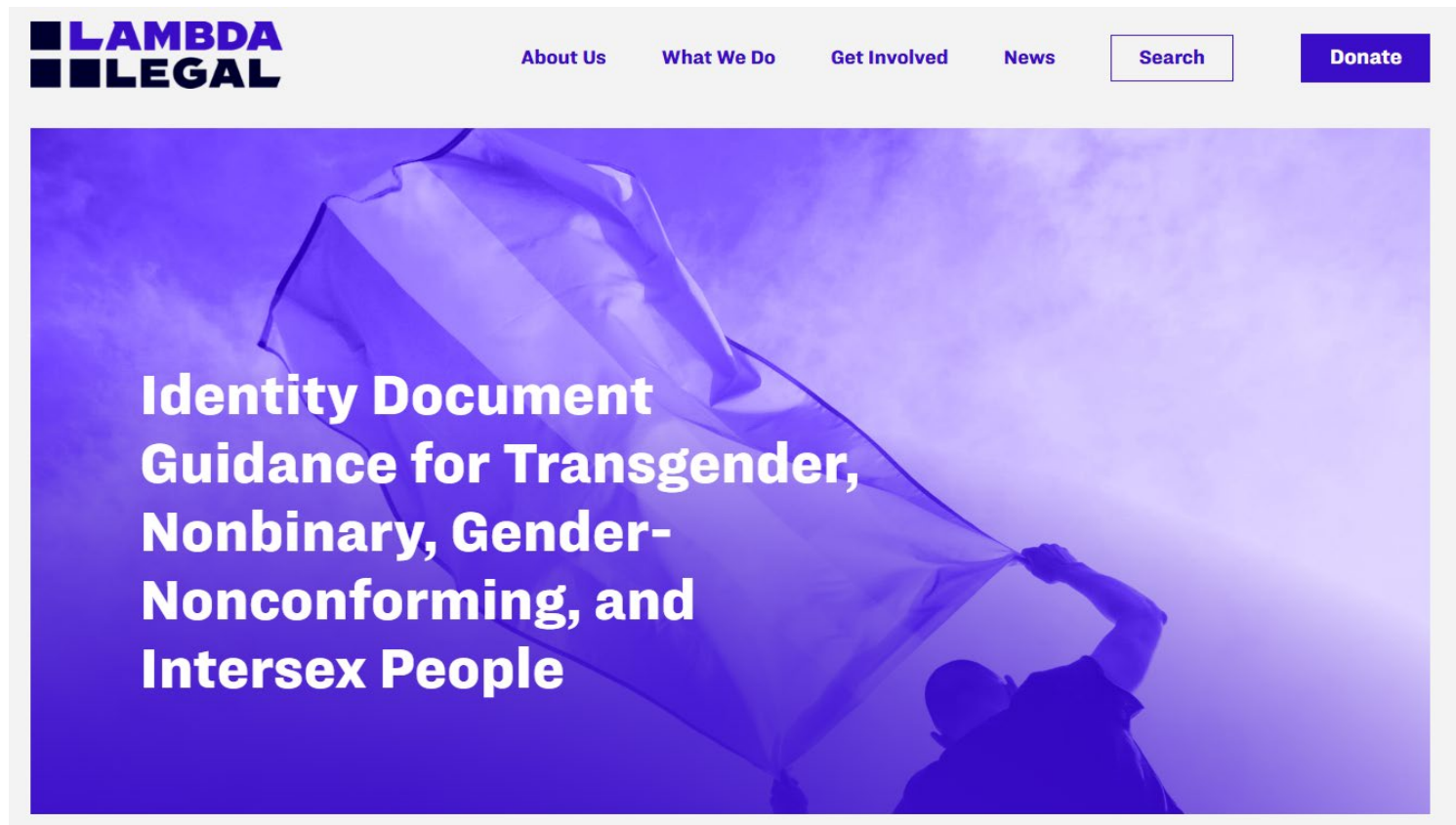
Identity Documents and Funding Restrictions

Identity Documents Litigation and Resources

- Current litigation regarding passports
 - *Schlacter v. U.S. Dept of State* (Lambda Legal); *Orr v. Trump* (ACLU)
 - Supreme Court stays injunctions, November 2025
- Trends regarding state identity documents
- Resources to get updated information:
 - [A4TE Document Center](#)
 - [Lambda Legal Help Desk](#)

Identity Documents (1 of 2)

Identity Document Guidance for Transgender, Nonbinary, Gender-Nonconforming, and Intersex People



The image shows a screenshot of the Lambda Legal website. At the top left is the Lambda Legal logo, consisting of three black squares followed by the text "LAMBDA" in blue and "LEGAL" in black. To the right of the logo are navigation links: "About Us", "What We Do", "Get Involved", and "News". Further right is a search box with the word "Search" inside, and a purple "Donate" button. Below the navigation is a large hero image with a purple-to-blue gradient. The image shows a person's silhouette holding up a large, flowing flag against a bright sky. Overlaid on the left side of the hero image is the text "Identity Document Guidance for Transgender, Nonbinary, Gender-Nonconforming, and Intersex People" in white, bold font.

Identity Documents (2 of 2)

Advocates for Trans Equality ID Documents Center



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Name Change, Driver's License & Birth Certificate Policies in

CHOOSE A STATE/TERRITORY



How friendly are the ID policies in your state?

Check identity document laws and policies in every state

Federal IDs and Records:

CHOOSE A FEDERAL ID/RECORD



Funding Restrictions (1 of 4)

Issue

Interference with funding / unlawful conditions placed on funding

Potential Claims

- Constitutional: e.g. violations of speech rights, vague provisions
- Statutory: e.g. agency action is contrary to law, arbitrary, or did not follow required procedures

Funding Restrictions (2 of 4)



Search:

State A.G.'s ▾ Case Status ▾ Issue ▾ Executive Action ▾

Government Grants, Loans, and Assistance

Expand All

Case Name	Filings	Date Case Filed	State A.G.'s	Case Status	Last Case Update
Government Grants, Loans, and Assistance					
Denial of Federal Grants					
State of New York v. Administration for Children and Families (S.D.N.Y.) 1:26-cv-00172	Complaint	2026-01-08	State A.G. Plaintiffs	Government Action Temporarily Blocked	2026-01-09
Termination of public health grants					
State of Colorado v. U.S. Department of Health and Human Services (D.R.I.) 1:25-cv-00121	Complaint	2025-04-01	State A.G. Plaintiffs	Government Action Temporarily Blocked	2025-07-30

Funding Restrictions (3 of 4)



Search: CONTINUUM

State A.G.'s

Case Status

Issue

Executive Action

Expand All

Case Name	Filings	Date Case Filed	State A.G.'s	Case Status	Last Case Update
Diversity, Equity, Inclusion, and Accessibility					
Ban on DEIA Initiatives in the Executive Branch and by Contractors and Grantees (Executive Order 14168, Executive Order 14151, Executive Order 14173)					
King County v. Turner (W.D. Wash.) 2:25-cv-00814	Complaint First Amended Complaint 2026-05-21 Second Amended Complaint 2025-07-10	2025-05-02		Government Action Temporarily Blocked	2025-10-10
National Alliance to End Homelessness v. Turner (D.R.I.) 1:25-cv-00447	Complaint	2025-09-11		Government Action Temporarily Blocked	2025-09-14
Government Grants, Loans, and Assistance					

Funding Restrictions (4 of 4)

V. CONCLUSION

For the foregoing reasons:

1. Plaintiffs' Motion for Preliminary Injunction is GRANTED;

2. Plaintiffs' Second Motion for Preliminary Injunction is GRANTED;

3. HUD and its officers, agents, servants, employees, and attorneys, and any other persons

who are in active concert or participation with them (collectively "Enjoined HUD Parties"), are

enjoined from (1) imposing or enforcing the CoC Grant Conditions, as defined in the Motions, or

any materially similar terms or conditions with respect to any CoC funds awarded to the HUD

Plaintiffs or members of their Continuums; (2) as to the HUD Plaintiffs, rescinding, withholding,

cancelling, or otherwise not processing any CoC Agreements, or pausing, freezing, impeding,

blocking, cancelling, terminating, delaying, withholding, or conditioning CoC funds, based on

such terms or conditions, including without limitation failing or refusing to process and otherwise

implement grants signed with changes or other objection to conditions enjoined by this

ORDER GRANTING PLAINTIFFS'
MOTIONS FOR PRELIMINARY INJUNCTION

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Additional Resources

- [Supporting LGBTQ+ Older Adults Basic Needs](#)
- [Medicare & Transgender Older Adults: What Advocates Need to Know](#)
- [A4TE Document Center](#)
- [Lambda Legal Help Desk](#)



Questions?

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