

The Honorable Denis R. McDonough
Secretary of the Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Dr. Shereef Elnahal
Under Secretary for Health
Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Re: Anti-trans VA clinical psychologists

Dear Secretary McDonough and Dr. Elnahal,

We, the undersigned military and veteran service and advocacy organizations, write to urge an immediate response from VA leadership regarding the recent op-ed in *The Hill* authored by three clinical psychologists employed by the Department of Veterans Affairs.¹ The op-ed contains harmful and dangerous misinformation, is contrary to well-accepted standards of care recognized by national and international professional medical organizations, and stigmatizes trans people— especially those receiving their care from VA. This is part of a larger and more worrying trend of anti-LGBTQ+ and bias-related incidents in VA facilities. It is the responsibility of the VA to do more to directly address this harmful rhetoric and ensure that veterans can turn to the agency for safe and accessible healthcare.

The statements made by Drs. Katherine M. Novotny, Edward Waldrep, and Nina Silander include dangerous misinformation about transgender people, sexual trauma, and harassment, and attempts to sow divisions between women and transgender veterans. These healthcare practitioners are engendering fear based on false claims of danger and the citation of “sound clinical practice” when both the American Medical Association and American Psychological Association support culturally competent, developmentally appropriate, and trans-affirmative care.

Implications that VA policies providing culturally informed and appropriate health care to LGBTQ+ veterans violate an employee’s right to free speech is a distortion of the First Amendment. Providers cannot hide behind claims of Constitutional protections in an attempt to create an unwelcoming and hostile organizational culture toward LGBTQ+ veterans who already struggle to place trust in the VA for healthcare services. The 2022 U.S. Transgender Survey found that over the course of one year, nearly one-half (48%) of trans people who saw a healthcare provider had at least one negative experience related to being transgender including “being refused health care, being misgendered, having a provider use harsh or abusive language when treating them, or having a provider be physically rough or abusive when treating them.”²

Even if a healthcare provider is gender affirming on an individual basis, the workplace’s culture can perpetuate anti-trans bias at interpersonal and structural level.³ These interpersonal and structural barriers contribute to the postponement or avoidance of healthcare which leads to poor physical and mental health for transgender individuals. Selective disclosure of gender identity can result in inappropriate care or missed opportunities for preventative care thereby resulting in shortened life spans or death.

Although the VA has developed programs such as PRIDE in All Who Served to improve health equity and access to care for LGBTQ+ military veterans, research found its success is heavily related to individual VHA facility settings including leadership support for LGBTQ+ affirming programming, access to LGBTQ+ affirming care training, and facility culture (such as systemic anti-LGBTQ+ stigma). Yet, VA continues to ask LGBTQ+ veterans to trust the institution despite inconsistent access to equitable, safe, and effective care across its facilities. LGBTQ+ veterans cannot be expected to place their trust in the VA when they continue to face discrimination, bias, limited electronic health record infrastructure

¹ Novotny, C.M., Waldrep, E., and Silander, N. (2024, January 20). *The VA is abandoning women veterans’ rights for gender identity*. The Hill. <https://thehill.com/opinion/healthcare/4416673-va-is-abandoning-women-veterans-rights-in-favor-of-gender-identity/>.

² James, S.E., Herman, J.L., Durso, L.E., & Heng-Lehtinen, R. (2024). *Early Insights: A Report of the 2022 U.S. Transgender Survey*. National Center for Transgender Equality, Washington, DC.

³ Luisa Kcomt, Kevin M. Gorey, Betty Jo Barrett, Sean Esteban McCabe. Healthcare avoidance due to anticipated discrimination among transgender people: A call to create trans-affirmative environments, *SSM - Population Health*, Volume 11, 2020, 100608, ISSN 2352-8273, <https://doi.org/10.1016/j.ssmph.2020.100608>.

for documenting orientation and gender identity, and the lingering effects of unjust policies that barred LGBTQ+ individuals from accessing their healthcare benefits.⁴

Recently, senior VA leadership stated in response to this op-ed that the VA is dedicated to improving LGBTQ+ veteran care through training, education, and enforcement on VA policy regarding culturally competent care for LGBTQ+ veterans.

- What does enforcement of the policy look like? What does accountability look like for leadership and employees who are in violation of VA's policy?
- How are employees being trained in culturally competent care? Who is leading the training?
- What is VA doing to restore trust from LGBTQ+ veterans following this incident?

In order to rebuild trust, the LGBTQ+ veteran community is asking the VA to:

1. Issue an immediate public statement denouncing the transphobic rhetoric shared in the opinion piece, reiterating the Department's policies on gender identity and sexual orientation, and identifying the actions being taken to hold providers and employees accountable to them.
2. Identify what actions are being taken to hold these VA's healthcare providers and employees accountable to VA policies on gender identity and sexual orientation. In addition, patients who identify as LGBTQ+ and use these providers for care should be notified of the incident and their options to transfer care. The safety of these patients relies on the agency's swift action.
3. Provide a timeline and detailed outline of the measures the VA intends to take to create cultural change within the VA system that supports and protects LGBTQ+ veterans.
4. Commit to creating an LGBTQ+ Veterans Advisory Committee to advise the VA on the administration of benefits and provision of healthcare, benefits, and services to LGBTQ+ veterans.
5. Release current data on incidents of discrimination at VA facilities as well as encourage LGBTQ+ veterans to report discrimination in VA facilities through a reporting tool that allows for intersectional analysis and tracking of individual, interpersonal, and institutional-based issues.
6. Encourage LGBTQ+ veterans to report discrimination in VA facilities through a reporting tool that allows for intersectional analysis and tracking of anti-LGBTQ+ harassment. Current procedures for reporting sexual harassment aren't sufficient to understanding the true scope of harassment and bias related to LGBTQ+ patients, families, and staff.

We issue this letter and urge swift and decisive action from the Department of Veterans Affairs. Providers who use their positions with VA to legitimize and perpetuate dangerous stereotypes and falsehoods such as Drs. Katherine M. Novotny, Edward Waldrep, and Nina Silander present a clear danger to veterans that VA must address. VA must respond quickly and decisively to ensure VHA employees are held accountable when they refuse to implement VA policies. Inaction or delays in action by VA leadership will enable bad actors to continue to sow fear in health care settings and has the potential to create deep and irreversible harm for their veteran patients who have turned to VA for their care.

Respectfully,

American Veterans for Equal Rights
Black Veterans Project
Center for Reproductive Rights
Gender Justice League
GLAAD
GLMA: Health Professionals Advancing LGBTQ+
Equality
Human Rights Campaign
Iraq and Afghanistan Veterans of America
Journal of Veterans Studies
Minority Veterans of America
Modern Military Association of America

National Center for Transgender Equality
National Women's Law Center
Power to Decide
SAGE
Service Women's Action Network
SPARTA Pride
The Pink Berets
Trans Pride Initiative
Transgender American Veterans Association
Veterans for American Ideals
Vet Voice Foundation
VoteVets

⁴ Wilson, S.M., Mulcahy, A.C., Lange, T.M. *et al.* Rolling out PRIDE in All Who Served: Barriers and Facilitators for Sites Implementing an LGBTQ+ Health Education Group for Military Veterans. *J GEN INTERN MED* 38 (Suppl 3), 849–856 (2023). <https://doi.org/10.1007/s11606-023-08204-5>