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# LEGAL FORUM

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## TOPIC

### Are transgendered individuals a protected class in the workplace?

## ADVICE

Title VII of the Civil Rights Act of 1964 does not specifically protect against transgendered persons. In 2012, however, in *Macy v. Dep't of Justice*, EEOC Appeal No. 0120120821 (April 20, 2012), the Equal Employment Opportunity Commission ("EEOC") ruled that employment discrimination against employees because they are transgender, because of gender identity, and/or because they have transitioned (or intend to transition) is discrimination based on sex, and thus violates Title VII. The EEOC identified "coverage of lesbian, gay, bisexual and transgender individuals under Title VII's sex discrimination provisions" as one of their top enforcement priorities in its 2012 Strategic Enforcement Plan. Given this initiative, it is not surprising that the EEOC recently filed two separate suits against employers for alleged transgender discrimination. These cases mark the first time the EEOC has pursued these claims. In summary, employers should be aware that transgendered individuals, while not a specifically enumerated protected class, are nonetheless considered as such by the EEOC.



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## TOPIC

### Congress Passes IMPACT Act as a Step Towards Greater Post-Acute Integration

## ADVICE

In mid-September, Congress passed the Improving Medicare Post-Acute Care Transformation (IMPACT) Act of 2014. This Act is designed to standardize the data utilized across the post-acute care spectrum, which will allow payments and patient outcomes to be recorded in comparable metrics across skilled nursing facilities, home health agencies, long-term care hospitals, and a multitude of other post-acute provider types. Supporters of this Act state that it will increase transparency in quality and cost of post-acute care, as well as standardize frequently disparate assessment tools providers use to determine patient needs.

This is one required step in the march towards a more integrated post-acute care ecosystem. The future of post-acute care services will necessarily include significantly greater provider integration between acute and post-acute providers for not only patient care, but also reimbursement. The current post-acute provider market will likely see increases in acquisitions and consolidations as providers wrestle with reimbursement cuts while simultaneously working towards improving the quality of care provided.